NORMAN G. FINKELSTEIN

'THIS TIME WE WENT TOO FAR'

TRUTH AND CONSEQUENCES OF THE GAZA INVASION

REVISED AND EXPANDED

“THIS TIME WE WENT TOO FAR”

Truth and Consequences of the Gaza Invasion

Norman G. Finkelstein

OR BOOKS

NEW YORK

OceanofPDF.com

First published by OR Books, New York, 2010

Copyright Norman G. Finkelstein www.orbooks.com

Hardcover ISBN: 978-0-9842950-3-6

Ebook ISBN: 978-0-9842950-4-3

Library of Congress Cataloging-in-Publication Data

A CIP Record is available for this book from the Library of Congress

British Library Cataloguing-in-Publication Data

A CIP Record is available for this book from the British Library

Printed by Book Mobile in the United States of America

OceanofPDF.com

To Carol and Noam,

for being there

OceanofPDF.com

CONTENTS

ACKNOWLEDGMENTS

FOREWORD

1/ SELF-DEFENSE

2/ THEIR FEAR, AND OURS

3/ WHITEWASH

4/ OF HUMAN SHIELDS AND HASBARA

5/ INSIDE GAZA

6/ EVER FEWER HOSANNAS

EPILOGUE

APPENDIX

NOTES

OceanofPDF.com

ACKNOWLEDGMENTS

Colin Robinson was instrumental in the book’s conception and Maren Hackmann in its execution. Cyrus Veeser lent his golden touch during the final stage of editing. I am grateful for the Biosocial Research Foundation’s support, and for the assistance of Rudolph Baldeo, Anna Baltzer, Regan Boychuk, Noam Chomsky, John Dugard, Mirene Ghossein, Asma Ishak, Mike Lev y, Darryl Li, Sanjeev Mahajan, Frank Menetrez, Allan Nairn, Mouin Rabbani, Sara Roy, Feroze Sidhwa, and Eugenia Tsao. I also greatly benefited from references forwarded to me by correspondents.

OceanofPDF.com

It's not that you're out to carry out a massacre, but . . .

Israeli commander briefing soldiers on eve of Gaza invasion[1]

OceanofPDF.com

FOREWORD

Alongside many others I have devoted much of my adult life to the achievement of a just peace between Israel and Palestine. It cannot be said that Palestinians living under occupation have derived much benefit from these efforts. The Israeli juggernaut proved unstoppable. The changes that have occurred have only been for the worse. Under the guise of what is called the “peace process” Israel has effectively annexed wide swaths of the West Bank and shredded the social fabric of Palestinian life there and in the Gaza Strip.

It would nonetheless be unduly pessimistic to say that no progress has been made. Israel can no longer count on reflexive support for its policies. Public opinion polls not only outside but also inside Jewish communities around the world over the past decade reveal a growing unease with Israeli conduct. This shift largely stems from the fact that the public is now much better informed. Historians have dispelled many of the myths Israel propagated to justify its dispossession and displacement of Palestine’s indigenous population; human rights organizations have exposed Israel’s mistreatment of Palestinians living under occupation; and a consensus has crystallized in the legal-diplomatic arena around a settlement of the conflict that upholds the basic rights of Palestinians.

The simmering discontent with Israeli conduct reached boiling point in December 2008 when Israel invaded Gaza. The merciless Israeli assault on a defenseless civilian population evoked widespread shock and disgust. Deep fissures opened up in the Jewish communities, especially among the younger generations. Many of Israel’s erstwhile supporters who did not vocally dissent chose to remain silent rather than defend the indefensible. The first part of this book analyzes the motives behind Israel’s assault on Gaza and chronicles what Amnesty International called “22 days of death and destruction.” The least that we owe the people of Gaza is an accurate record of the suffering they endured. No one can bring back the dead or restore the shattered lives of those who survived, but we can still respect the memory of their sacrifice by preserving it intact.

This book is not just a lament, however; it also sets forth grounds for hope. The bloodletting in Gaza has roused the world’s conscience. The prospects have never been more propitious for galvanizing the public not just to

mourn but also to act. We have truth on our side, and we have justice on our side. These become mighty weapons once we have learned how to wield them effectively. The challenge now is twofold: to master, and inform the public of, the unvarnished record of what happened in Gaza; and then to mobilize the public around a settlement of the conflict that all of enlightened opinion has embraced—but that Israel and the United States, standing in virtual isolation, have rejected. It is my hope that this book will help meet this challenge and, ultimately, enable everyone, Palestinian and Israeli, to live a dignified life.

OceanofPDF.com

1/ SELF-DEFENSE

Question:
What do you feel is the most acceptable solution to the Palestine problem?

Mahatma Gandhi:
The abandonment wholly by the Jews of terrorism and other forms of violence.
(1 June 1947)[1]

On 29 November 1947 the United Nations General Assembly approved a resolution dividing British-mandated Palestine into a Jewish state incorporating 56 percent of Palestine and an Arab state incorporating 44 percent of it.[2] In the ensuing war the newly born State of Israel expanded its borders to incorporate nearly 80 percent of Palestine. The only areas of Palestine not conquered comprised the West Bank, which the Kingdom of Jordan subsequently annexed, and the Gaza Strip, which came under Egypt's administrative control. Approximately 250,000 Palestinians driven out of their homes during the 1948 war and its aftermath fled to Gaza and overwhelmed the indigenous population of some 80,000.
Today 80 percent of Gaza's inhabitants consist of refugees from the 1948 war and their descendants, and more than half of the population is under 18 years of age. Its current 1.5 million inhabitants are squeezed into a sliver of land 25 miles long and five miles wide, making Gaza one of the most densely populated places in the world. The panhandle of the Sinai Peninsula, Gaza is bordered by Israel on the north and east, Egypt on the south, and the Mediterranean Sea on the west. In the course of its four-decade-long occupation beginning in June 1967, and prior to Prime Minister Ariel Sharon's redeployment of Israeli troops from inside Gaza to its perimeter in 2005, Israel had imposed on Gaza a uniquely exploitive regime of "de-development" that, in the words of Harvard political economist Sara Roy, deprived "the native population of its most important economic resources—land, water, and labor—as well as the internal

capacity and potential for developing those resources."[3]
The road to modern Gaza's desperate plight is paved with many previous atrocities, most long forgotten or never known outside Palestine. After the cessation of battlefield hostilities in 1949, Egypt kept a tight rein on the activity of Fedayeen (Palestinian guerrillas) in Gaza until February 1955, when Israel launched a bloody cross-border raid into Gaza killing 40 Egyptians. Israeli leaders had plotted to lure Egypt into war in order to topple President Gamal Abdel Nasser, and the Gaza raid proved the perfect provocation as armed border clashes escalated. In October 1956 Israel (in collusion with Great Britain and France) invaded the Egyptian Sinai and occupied Gaza, which it had long coveted. The prominent Israeli historian Benny Morris described what happened next:

Many Fedayeen and an estimated 4,000 Egyptian and Palestinian regulars were trapped in the Strip, identified, and rounded up by the IDF [Israel Defense Forces], GSS [General Security Service], and police. Dozens of these Fedayeen appear to have been summarily executed, without trial. Some were probably killed during two massacres by the IDF troops soon after the occupation of the Strip. On 3 November, the day Khan Yunis was conquered, IDF troops shot dead hundreds of Palestinian refugees and local inhabitants in the town. One U.N. report speaks of "some 135 local residents" and "140 refugees" killed as IDF troops moved through the town and its refugee camp "searching for people in possession of arms."

In Rafah, which fell to the IDF on 1–2 November, Israeli troops killed between forty-eight and one hundred refugees and several local residents, and wounded another sixty-one during a massive screening operation on 12 November, in which they sought to identify former Egyptian and Palestinian soldiers and Fedayeen hiding among the local population....

Another sixty-six Palestinians, probably Fedayeen, were executed in a number of other incidents during screening operations in the Gaza Strip between 2 and 20 November....

The United Nations estimated that, all told, Israeli troops killed between 447 and 550 Arab civilians in the first three weeks of the occupation of the Strip.[4]

In March 1957 Israel was forced to withdraw from Gaza after U.S. President Dwight D. Eisenhower applied heav y diplomatic pressure and threatened economic sanctions.

Current conditions in Gaza result directly from the events of 1967. In the course of the June 1967 war Israel reoccupied the Gaza Strip (along with the West Bank) and has remained the occupying power ever since. Morris reported that “the overwhelming majority of West Bank and Gaza Arabs from the first hated the occupation”; that “Israel intended to stay . . . and its rule would not be overthrown or ended through civil disobedience and civil resistance, which were easily crushed. The only real option was armed struggle”; that “like all occupations, Israel’s was founded on brute force, repression and fear, collaboration and treachery, beatings and torture chambers, and daily intimidation, humiliation, and manipulation”; and that the occupation “was always a brutal and mortifying experience for the occupied.”[5]

From the start, Palestinians have fought back against the Israeli occupation. Gazans have put up particularly stiff unarmed and armed resistance, while Israeli repression has proven equally unremitting. In 1969 Ariel Sharon became chief of the IDF southern command and not long after embarked on a campaign to crush the resistance in Gaza. A leading American academic specialist on Gaza recalled how Sharon placed refugee camps under twenty-four-hour curfews, during which troops conducted house-to-house searches and mustered all the men in the central square for questioning. Many men were forced to stand waist-deep in the Mediterranean Sea for hours during the searches. In addition, some twelve thousand members of families of suspected guerrillas were deported to detention camps... in Sinai. Within a few weeks, the Israeli press began to criticize the soldiers and border police for beating people, shooting into crowds, smashing belongings in houses, and imposing extreme restrictions during curfews.... In July 1971, Sharon added the tactic of “thinning out” the refugee camps. The military uprooted more than thirteen thousand residents by the end of August. The army bulldozed wide roads through the camps and through some citrus groves, thus making it easier for mechanized units to operate and for the infantry to control the camps.... The army crackdown broke the back of the resistance.[6]

In December 1987 a traffic accident on the Gaza-Israel border that left four Palestinians dead erupted into a mass rebellion or intifada against Israeli

rule throughout the occupied territories. Morris recalled, “It was not an armed rebellion but a massive, persistent campaign of civil resistance, with strikes and commercial shutdowns, accompanied by violent (though unarmed) demonstrations against the occupying forces. The stone and, occasionally, the Molotov cocktail and knife were its symbols and weapons, not guns and bombs.” However it could not be said that Israel reacted in kind. Morris continued: “Almost everything was tried: shooting to kill, shooting to injure, beatings, mass arrests, torture, trials, administrative detention, and economic sanctions”; “A large proportion of the Palestinian dead were not shot in life-threatening situations, and a great many of these were children”; “Only a small minority of [the IDF] malefactors were brought to book by the army’s legal machinery—and were almost always let off with ludicrously light sentences.”[7]

By the early 1990s Israel had successfully repressed the intifada. It subsequently entered into an agreement secretly negotiated in Oslo, Norway, with the Palestine Liberation Organization (PLO) and ratified in September 1993 on the White House lawn. Through the Oslo Accord Israel hoped to streamline the occupation by removing its troops from direct contact with Palestinians and replacing them with Palestinian subcontractors. “One of the meanings of Oslo,” former Israeli foreign minister Shlomo Ben-Ami wrote, “was that the PLO was... Israel’s collaborator in the task of stifling the [first] intifada and cutting short what was clearly an authentically democratic struggle for Palestinian independence.”[8] In particular Israel endeavored to reassign Palestinians the sordid work of occupation. “The idea of Oslo,” former Israeli minister Natan Sharansky observed, “was to find a strong dictator to... keep the Palestinians under control.”[9] “The Palestinians will be better at establishing internal security than we were,” Israeli Prime Minister Yitzhak Rabin informed skeptics in his ranks, “because they will allow no appeals to the Supreme Court and will prevent [groups like] the Association for Civil Rights in Israel from criticizing the conditions there.... They will rule by their own methods, freeing, and this is most important, the Israeli soldiers from having to do what they will do.”[10]

In July 2000 PLO head Yasser Arafat and Israeli Prime Minister Ehud Barak joined U.S. President Bill Clinton at Camp David to negotiate a settlement of the conflict. The summit collapsed amid acrimonious accusations and counteraccusations. “If I were a Palestinian,” Ben-Ami, one

of Israel's chief negotiators at Camp David, later commented, "I would have rejected Camp David as well," while a former director of the Jaffee Center for Strategic Studies concluded that the "substantial concessions" Israel demanded of Palestinians at Camp David "were not acceptable and could not be acceptable."[11] Subsequent negotiations also failed to achieve a diplomatic breakthrough. In December 2000 Clinton presented his "parameters" for resolving the conflict, which both sides accepted with reservations.[12] In January 2001 talks resumed in Taba, Egypt. Although both parties affirmed that "significant progress had been made" and they had "never been closer to agreement," Prime Minister Barak unilaterally "called a halt" to these negotiations, and as a result "the Israeli-Palestinian peace process had ground to an indefinite halt."[13]

In September 2000, amid these diplomatic parleys, Palestinians in the occupied territories once again launched an open rebellion. Like the 1987 rebellion this second intifada at its inception was overwhelmingly nonviolent. However, in BenAmi's words, "Israel's disproportionate response to what had started as a popular uprising with young, unarmed men confronting Israeli soldiers armed with lethal weapons fuelled the [second] intifada beyond control and turned it into an all-out war."[14] It is now largely forgotten that the first Hamas suicide bombing of the second intifada did not occur until five months into Israel's relentless bloodletting. (Israeli forces fired one million rounds of ammunition in just the first few days, while the ratio of Palestinians to Israelis killed during the first weeks was 20:1.) In the course of the spiraling violence triggered by its "disproportionate response," Israel struck Gaza with particular vengeance. In a cruel reworking of Ecclesiastes, each turn of season presaged yet another Israeli attack on Gaza that left scores dead and much destroyed: "Operation Rainbow" (2004), "Operation Days of Penitence" (2004), "Operation Summer Rains" (2006), "Operation Autumn Clouds" (2006), "Operation Hot Winter" (2008).[15]

Despite the Israeli assaults, Gaza continued to roil. Already at the time of the Oslo Accord this intractability caused Israel to sour on the Strip. "If only it would just sink into the sea," Rabin despaired.[16] In April 2004 Prime Minister Sharon announced that Israel would "disengage" from Gaza, and by September 2005 both Israeli troops and Jewish settlers had been pulled out. In an interview Sharon advisor Dov Weisglass laid out the rationale

behind the disengagement: it would relieve international, especially American, pressure on Israel, thereby "freezing... the political process. And when you freeze that process you prevent the establishment of a Palestinian state." Roy observed that "with the disengagement from Gaza, the Sharon government was clearly seeking to preclude any return to political negotiations... while preserving and deepening its hold on Palestine."[17]
Israel subsequently declared that it was no longer the occupying power in Gaza. However, human rights organizations and international institutions rejected this contention because in myriad ways Israel still preserved near-total dominance of the Strip. "Whether the Israeli army is inside Gaza or redeployed around its periphery," Human Rights Watch (HRW) concluded, "it remains in control."[18]
The received wisdom is that the Oslo Accord was a failure because it did not result in a lasting peace. But such a verdict misconstrues the objective of the accord. If Israel's goal was, as Ben-Ami pointed out, to groom a class of Palestinian collaborators, then Oslo was largely a success for Israelis. A look at the Oslo II Accord, signed in September 1995 and spelling out in detail the mutual rights and duties of the contracting parties to the 1993 agreement, suggests what loomed largest in the minds of the Palestinian negotiators: whereas four full pages are devoted to "Passage of [Palestinian] VIPs" (the section is subdivided into "Category 1 VIPs," "Category 2 VIPs," "Category 3 VIPs," and "Secondary VIPs"), less than one page—the very last—is devoted to "Release of Palestinian Prisoners and Detainees," who numbered in the many thousands.[19]
The Oslo Accord allotted a five-year interim period allegedly for "confidence building" between the former foes. This was curious, given that when and where Israel genuinely sought peace the process moved swiftly. Thus, for decades Egypt was Israel's prime nemesis in the Arab world, and it was Egypt that launched a surprise attack in 1973, killing thousands of Israeli soldiers. Nevertheless, only a half year elapsed between the September 1978 Camp David summit convened by U.S. President Jimmy Carter that produced the Egyptian-Israeli "Framework for Peace" and the March 1979 "Treaty of Peace" formally ending hostilities. Only three more years passed before Israel's final evacuation from the Egyptian Sinai in April 1982.[20] There was no need for a half decade of confidence building in Egypt's case.
In reality the purpose of the protracted interim period built into Oslo was

not confidence building to facilitate an Israeli-Palestinian peace agreement but collaboration building to facilitate a burden-free Israeli occupation. It was rightly supposed that, after growing accustomed to the emoluments of power and privilege, the handful of Palestinian beneficiaries would be averse to parting with them and, however reluctantly, would do the bidding of the power that meted out the largesse. The interim period also enabled Israel to test the reliability of these Palestinian subcontractors as crises periodically erupted. The one holdout in the senior ranks of the Palestinian leadership was Arafat who, for all his opportunism, seems to have carried in him a residue of his nationalist past and would not settle for presiding over a Bantustan. Once he passed from the scene in November 2004, however, all the pieces were in place for the "Palestinian Authority" to reach a modus vivendi with Israel. Except that it was too late.

In January 2006, sickened by years of official corruption, the Palestinians elected the Islamic movement Hamas into office. Israel immediately tightened its blockade on Gaza and the U.S. joined in. It was demanded of the newly elected government that it renounce violence and recognize Israel together with prior Israeli-Palestinian agreements. These preconditions for international engagement were unilateral: Israel wasn't also required to renounce violence; Israel wasn't required to withdraw from the territories it occupied in 1967 and to allow for Palestinians to exercise their right to self-determination; and whereas Hamas was required to recognize prior agreements such as the Oslo Accord, which perpetuated the occupation and enabled Israel to vastly increase its illegal settlements,[21] Israel was free to eviscerate prior agreements such as the 2003 "Road Map."[22]

In June 2007 Hamas foiled a coup attempt orchestrated by the United States in league with Israel and elements of the prior Palestinian regime and consolidated its control of Gaza.[23] Israel and the United States reacted promptly to Hamas's rejection of U.S. President George W. Bush's "democracy promotion" initiative by further tightening the screws on Gaza. In June 2008 Hamas and Israel entered into a ceasefire brokered by Egypt, but in November of that year Israel violated the ceasefire by carrying out a bloody border raid on Gaza akin to its February 1955 border raid. The objective once again was to provoke retaliation and thereby provide the pretext for an attack.

That border raid was only the preamble to a more sustained assault. On 27 December 2008 Israel launched "Operation Cast Lead."[24] The first week

consisted of air attacks, which were followed on 3 January 2009 by an air and ground assault. Piloting the most advanced combat aircraft in the world, the Israeli air corps flew nearly 3,000 sorties over Gaza and dropped 1,000 tons of explosives, while the Israeli army deployment comprised several brigades equipped with sophisticated intelligence-gathering systems and weaponry such as robotic and TV-aided remote controlled guns. During the attack Palestinian armed groups fired some 570 mostly rudimentary rockets and 200 mortars into Israel. On 18 January a ceasefire went into effect, but the economic strangulation of Gaza continued. In the meantime international public opinion reacted with horror at Israel's assault on a defenseless civilian population. In September 2009 a United Nations Human Rights Council Fact Finding Mission chaired by the respected jurist Richard Goldstone released a voluminous report documenting Israel's commission of massive war crimes and possible crimes against humanity. The report also accused Hamas of committing similar crimes, but on a scale that paled by comparison. It was clear that, in the words of Israeli columnist Gideon Lev y, "this time we went too far."[25]

Israel officially justified Operation Cast Lead on the grounds of self-defense against Hamas rocket attacks.[26] Such a rationale did not however withstand even superficial scrutiny. If Israel had wanted to avert the Hamas rocket attacks, it would not have triggered them by breaking the June 2008 ceasefire with Hamas. Israel also could have opted for renewing—and then honoring—the ceasefire. Indeed, as a former Israeli intelligence officer told the International Crisis Group, "The ceasefire options on the table after the war were in place there before it."[27] More broadly, Israel could have reached a diplomatic settlement with the Palestinian leadership that resolved the conflict and terminated armed hostilities. Insofar as the declared objective of Operation Cast Lead was to destroy the "infrastructure of terrorism," Israel's alibi of self-defense appeared even less credible after the invasion: overwhelmingly it targeted not Hamas strongholds but "decidedly 'non-terrorist,' non-Hamas" sites.[28] I will return to many of these points presently. It is useful however to first put Israel's claim of self-defense in the wider context of its human rights record in the Occupied Palestinian Territories just prior to the invasion.

The 2008 annual report of B'Tselem (Israeli Information Center for Human Rights in the Occupied Territories)[29] indicated that between 1 January and

26 December 2008 Israeli security forces killed 455 Palestinians, of whom at least 175 did not take part in hostilities, while Palestinians killed 31 Israelis of whom 21 were civilians. Thus, on the eve of Israel's so-called war of self-defense, the ratio of total Palestinians to Israelis killed was almost 15:1 and the ratio of Palestinian to Israeli noncombatants killed was a minimum of 8:1. In Gaza alone Israel killed at least 158 noncombatants in 2008 until 26 December, while seven Israeli civilians were killed due to Palestinian rocket attacks from Gaza, which means the ratio was more than 22:1. (Palestinian rocket attacks from Gaza killed 21 Israelis between when they began in 2001 and January 2009. In the three-year period after its 2005 redeployment to Gaza's perimeter, the Israeli army killed about 1,250 Gazans, including 222 children, while Palestinian rocket fire killed 11 Israelis.)

Israel loudly protested because Hamas held one Israeli soldier who had been captured in June 2006, yet Israel held more than 8,000 Palestinian "political prisoners," including 60 women and 390 children, of whom 548 were held in administrative detention without charges or trial, 42 of them for more than two years. In addition, Israel exacerbated its "sweeping restrictions on the freedom of movement of Palestinian residents of the West Bank"; expanded illegal Jewish settlements in the West Bank and East Jerusalem, which together now contain nearly a half million illegal Jewish settlers; confiscated more West Bank land causing "serious harm to Palestinians... who are no longer able to work their land and gain a livelihood from it"; "prevent[ed] any possibility of development and construction" in Palestinian communities; distributed water in a discriminatory manner (although the Palestinian population in the West Bank is nine times the illegal Jewish settler population, its total water allocation is much smaller); and continued construction of a wall that will annex almost 12 percent of the West Bank despite the July 2004 International Court of Justice advisory opinion declaring the wall illegal.

As already noted, in January 2006 Hamas won Palestinian elections that were widely recognized as "completely honest and fair" (Jimmy Carter).[30] Israel and the U.S. reacted by imposing an economic blockade on Gaza. In June 2007 Hamas foiled a putsch orchestrated by the U.S., Israel, and elements of the Palestinian Authority.[31] "When Hamas preempts it," a senior Israeli intelligence figure later scoffed, "everyone cries foul, claiming it's a military putsch by Hamas—but who did the putsch?"[32]

Although he reviled Hamas as “cruel, disgusting and filled with hatred for Israel,” an editor at Israel’s largest circulation newspaper Yediot Ahronot nonetheless observed that it “did not ‘seize control’ of Gaza. It took the action needed to enforce its authority, disarming and destroying a militia that refused to bow to its authority.”[33] After the abortive putsch Israel intensified its blockade, which “amounts to collective punishment, a serious violation of international humanitarian law.”[34]

In mid-December 2008 the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) published a study entitled “The Impact of the Blockade on the Gaza Strip: A human dignity crisis.”[35] It reported that Israel’s “18-monthlong blockade has created a profound human dignity crisis, leading to a widespread erosion of livelihoods and a significant deterioration in infrastructure and essential services.” As a direct consequence of the blockade, many Gaza residents were left without electricity for up to 16 hours each day and received water only once a week for a few hours (80 percent of the water did not meet the World Health Organization standards for drinking); nearly 50 percent of the population was left unemployed, and more than 50 percent of the population was “food insecure”; 20 percent of “essential drugs” were “at zero level” and more than 20 percent of patients suffering from cancer, heart disease, and other severe conditions were unable to get permits for medical care abroad. Many Palestinians, the study concluded, “reported a growing sense of being trapped, physically, intellectually and emotionally.” To judge by the human rights record, and leaving aside that it was Israel that broke the June 2008 ceasefire, it would appear that the Palestinians had a much stronger case than Israel for resorting to armed force in self-defense at the end of December 2008.

OceanofPDF.com

2/ THEIR FEAR, AND OURS

The December 2008 invasion of Gaza would prove to be another public-relations fiasco for Israel, on the order of its disastrous Lebanon invasions of 1982 and 2006. The civilian casualties and destruction of civilian infrastructure were so massive and evident that criticism of the assault crept even into the mainstream media. What explains Israel's willingness to prosecute an attack against a civilian population that was bound to result in negative publicity abroad?

Early speculation on the real impetus behind Israel's attack centered on the upcoming Israeli elections, scheduled to be held on 10 February 2009. Jockeying for votes was no doubt a factor in this Sparta-like society consumed by "revenge and the thirst for blood."[1] Polls during the invasion showed that 80– 90 percent of Israeli Jews supported it.[2] But as Israeli journalist Gideon Levy pointed out on Democracy Now!, "Israel went through a very similar war ... two-and-a-half years ago [in Lebanon], when there were no elections."[3] In fact the attack on Gaza responded to crucial state interests that Israeli leaders would not jeopardize for narrowly electoral gains. Even in recent decades, when the Israeli political scene has become more squalid, one would still be hard-pressed to name a major military campaign launched for partisan political ends. It is arguable that Prime Minister Menachem Begin's decision to bomb the Iraqi OSIRAK reactor in 1981 was merely an electoral ploy, but the strategic stakes in the strike on Iraq were puny; contrary to widespread belief Saddam Hussein had not embarked on a nuclear weapons program prior to the bombing.[4] The main motives for the Gaza invasion were to be found not in the election cycle but, first, in the need to restore Israel's "deterrence capacity," and, second, in the need to counter the threat posed by a new Palestinian "peace offensive."

*

Israel's "larger concern" in Operation Cast Lead, New York Times Middle East correspondent Ethan Bronner reported, quoting Israeli sources, was to "re-establish Israeli deterrence," because "its enemies are less afraid of it than they once were, or should be."[5] Preserving its deterrence capacity has always loomed large in Israeli strategic doctrine. In fact it was a primary

impetus behind Israel's first strike against Egypt in June 1967 that resulted in Israel's occupation of Gaza and the West Bank. To justify the December 2008 onslaught on Gaza, Israeli historian Benny Morris wrote that "many Israelis feel that the walls... are closing in... much as they felt in early June 1967."[6] (Several months later Gideon Lev y mocked Israel's incessant fear mongering as "the devil's refuge" that "explains and justifies everything."[7]) Ordinary Israelis were no doubt filled with foreboding in June 1967, but Israel did not face an existential threat at the time—as Morris knows[8]—and Israeli leaders were not apprehensive about the war's outcome.

After Israel threatened and laid plans to attack Syria in May 1967,[9] Egyptian President Gamal Abdel Nasser moved Egyptian troops into the Sinai and announced that the Straits of Tiran would be closed to Israeli shipping. (Egypt had entered into a military pact with Syria a few months earlier.) Israeli Foreign Minister Abba Eban emotively declared that because of the blockade Israel could only "breathe with a single lung," but Israel actually made almost no use of the Straits (except for the passage of oil, of which it then had ample stocks). Besides, Nasser did not even enforce the blockade: vessels were passing freely through the Straits within days of his announcement. What then of the military threat posed by Egypt? Multiple U.S. intelligence agencies had concluded that the Egyptians did not intend to attack Israel and that, in the improbable case that they did, alone or in concert with other Arab countries, Israel would—in President Lyndon Johnson's words—"whip the hell out of them."[10] The head of the Mossad told senior American officials on 1 June 1967 that "there were no differences between the U.S. and the Israelis on the military intelligence picture or its interpretation."[11]

The predicament for Israel was rather the growing perception in the Arab world, spurred by Nasser's radical nationalism and climaxing in his defiant gestures in May 1967, that it would not have to follow Israeli orders. Thus, Divisional Commander Ariel Sharon admonished those in the Israeli cabinet hesitant to launch a first strike that Israel was losing its "deterrence capability . . . our main weapon—the fear of us."[12] In effect, "deterrence capacity" referred not to warding off an imminent lethal blow but to keeping Arabs so intimidated that they could not even conceive of challenging Israel's freedom to carry on as it pleased, however ruthlessly and recklessly. Assessing the regional balance of forces, key U.S.

presidential aide Walt W. Rostow concurred on the imperative of "Nasser's being cut down to size."[13] Israel unleashed the war on 5 June 1967, according to Israeli strategic analyst Zeev Maoz, in order "to restore the credibility of Israeli deterrence."[14]

Hezbollah's ejection of the Israeli occupying army from Lebanon in May 2000 posed another challenge to Israel's deterrence capacity. The fact that Israel suffered a humiliating defeat, one celebrated throughout the Arab world, made another war well-nigh inevitable. Israel almost immediately began planning for the next round,[15] and in summer 2006 found a pretext when Hezbollah captured two Israeli soldiers (several others were killed during the operation) and demanded in exchange the release of Lebanese prisoners held by Israel. Although Israel unleashed the fury of its air force and geared up for a ground invasion, it suffered yet another ignominious defeat. A respected American military analyst, despite being partial to Israel, nonetheless concluded, "the IAF, the arm of the Israeli military that had once destroyed whole air forces in a few days, not only proved unable to stop Hezbollah rocket strikes but even to do enough damage to prevent Hezbollah's rapid recovery"; that "once ground forces did cross into Lebanon..., they failed to overtake Hezbollah strongholds, even those close to the border"; that "in terms of Israel's objectives, the kidnapped Israeli soldiers were neither rescued nor released; Hezbollah's rocket fire was never suppressed, not even its long-range fire...; and Israeli ground forces were badly shaken and bogged down by a well-equipped and capable foe"; and that "more troops and a massive ground invasion would indeed have produced a different outcome, but the notion that somehow that effort would have resulted in a more decisive victory over Hezbollah... has no basis in historical example or logic."[16]

The juxtaposition of several figures highlights the magnitude of the setback: Israel deployed 30,000 troops against 2,000 regular Hezbollah fighters and 4,000 irregular Hezbollah and non-Hezbollah fighters; Israel delivered and fired 162,000 weapons whereas Hezbollah fired 5,000 weapons (4,000 rockets and projectiles at Israel and 1,000 antitank missiles inside Lebanon).[17] Moreover, "the vast majority of the fighters who defended villages such as Ayta ash Shab, Bint Jbeil, and Maroun al-Ras were not, in fact, regular Hezbollah fighters and in some cases were not even members of Hezbollah," and "many of Hezbollah's best and most skilled fighters

never saw action, lying in wait along the Litani River with the expectation that the IDF [Israel Defense Forces] assault would be much deeper and arrive much faster than it did."[18] Yet another indication of Israel's reversal of fortune was that, unlike in any of its previous armed conflicts, in the final stages of the 2006 war it fought not in defiance of a U.N. ceasefire resolution but in the hope that a U.N. resolution would rescue it from an unwinnable situation.

After the 2006 Lebanon War Israel was itching to take on Hezbollah again but was not yet confident it would emerge victorious on the battlefield. In mid-2008 Israel desperately sought to conscript the U.S. for an attack on Iran, which it believed would also decapitate Hezbollah (the junior partner of Iran), and thereby humble the main challengers to its regional hegemony. Israel and its quasi-official emissaries such as Benny Morris threatened that if the U.S. did not go along "then nonconventional weaponry will have to be used," and "many innocent Iranians will die."[19] To Israel's chagrin and humiliation, the U.S. vetoed an attack and Iran went its merry way, while the credibility of Israel's capacity to terrorize slipped another notch. It was time to find another target, and Gaza, poorly defended as ever, fit the bill. There, the feebly armed Islamic movement Hamas had defiantly resisted Israeli diktat, crowing that in 2005 it had forced Israel to "withdraw" from Gaza, and then, in June 2008, had compelled Israel to agree to a ceasefire. If Gaza was where Israel would restore its deterrence capacity, one theater of the 2006 Lebanon War had already hinted at how it might successfully be done.

During the Lebanon War Israel flattened the southern suburb of Beirut known as the Dahiya that was home to many poor Shiite supporters of Hezbollah. In the war's aftermath Israeli military officers began referring to the "Dahiya strategy." "We will wield disproportionate power against every village from which shots are fired on Israel, and cause immense damage and destruction," IDF Northern Command Chief Gadi Eisenkot explained. "This isn't a suggestion. This is a plan that has already been authorized." In the event of hostilities Israel needed "to act immediately, decisively, and with force that is disproportionate," reserve Colonel Gabriel Siboni of the Israeli Institute for National Security Studies declared. "Such a response aims at inflicting damage and meting out punishment to an extent that will demand long and expensive reconstruction processes." "The next war ... will lead to the elimination of the Lebanese military, the destruction of the

national infrastructure, and intense suffering among the population," former chief of the Israeli National Security Council Giora Eiland threatened. "Serious damage to the Republic of Lebanon, the destruction of homes and infrastructure, and the suffering of hundreds of thousands of people are consequences that can influence Hezbollah's behavior more than anything else."[20]

It merits noting that, under international law, use of disproportionate force and targeting of civilian infrastructure constitute war crimes. Although the new strategy was to be used against all of Israel's regional adversaries that had waxed defiant, Gaza was frequently singled out as the prime target for this approach. "Too bad it did not take hold immediately after the [2005] 'disengagement' from Gaza and the first rocket barrages," a respected Israeli pundit lamented. "Had we immediately adopted the Dahiya strategy, we would have likely spared ourselves much trouble." If and when Palestinians launched another rocket attack, Israeli Interior Minister Meir Sheetrit urged in late September 2008, "the IDF should... decide on a neighborhood in Gaza and level it."[21]

The operative Israeli plan for the attack on Gaza could be gleaned from authoritative statements issued after it got underway: "What we have to do is act systematically with the aim of punishing all the organizations that are firing the rockets and mortars, as well as the civilians who are enabling them to fire and hide" (reserve Major-General Amiram Levin); "After this operation there will not be one Hamas building left standing in Gaza" (Deputy IDF Chief of Staff Dan Harel); "Anything affiliated with Hamas is a legitimate target" (IDF Spokesperson Major Avital Leibowitz); "It [should be] possible to destroy Gaza, so they will understand not to mess with us.... It is a great opportunity to demolish thousands of houses of all the terrorists, so they will think twice before they launch rockets....I hope the operation will come to an end with great achievements and with the complete destruction of terrorism and Hamas. In my opinion, they should be razed to the ground, so thousands of houses, tunnels and industries will be demolished" (Deputy Prime Minister Eli Yishai). The military correspondent for Israel Channel 10 News commented, "Israel isn't trying to hide the fact that it reacts disproportionately."[22]

In Israel the media exulted at the "shock and awe" (Maariv)[23] of its opening air campaign. Whereas Israel killed a mere 55 Lebanese during the first two days of the 2006 war, it killed as many as 300 Gazans in four minutes on

the first day of the invasion. Most of the targets were located in “densely populated residential areas” while the bombardments began “at around 11:30 a.m., a busy time, when the streets were full of civilians, including school children leaving classes at the end of the morning shift and those going to school for the second shift.”[24] Several days into the slaughter an informed Israeli strategic analyst observed, “The IDF, which planned to attack buildings and sites populated by hundreds of people, did not warn them in advance to leave, but intended to kill a great many of them, and succeeded.”[25] Benny Morris praised “Israel’s highly efficient air assault on Hamas.”[26]

The Israeli columnist B. Michael was less impressed by the dispatch of helicopter gunships and jet planes “over a giant prison and firing at its people”[27]—for example, “traffic cops at their graduation ceremony, young men in desperate search of a livelihood who thought they’d found it in the police and instead found death from the skies.”[28] It was subsequently reported that the IDF had planned the diploma-day slaughter “months before the attack,” and that its execution evoked “enthusiasm.”[29] On that first day Israeli aerial strikes killed or fatally injured, alongside the would-be traffic cops, at least 16 children while an Israeli drone-launched precision missile killed nine college students (two of them young women) “who were waiting for a U.N. bus” to take them home.[30]

As Operation Cast Lead proceeded apace, prominent Israelis dropped all pretenses that its purpose was to stop Hamas rocket fire. “Remember, [Israeli Defense Minister Ehud] Barak’s real foe is not Hamas,” a former Israeli minister told the respected conflict-resolution organization International Crisis Group. “It is the memory of 2006.”[31] Israeli philosopher Asa Kasher, despite doing his utmost to defend the Gaza invasion, nonetheless opined that “a democratic state... cannot use human beings as mere tools to create deterrence. Human beings are not tools to be used.”[32] Other commentators positively gloated, however, that “Gaza is to Lebanon as the second sitting for an exam is to the first—a second chance to get it right,” and that this time around Israel had “hurled [Gaza] back,” not 20 years as it promised to do in Lebanon, but “into the 1940s. Electricity is available only for a few hours a day”; that “Israel regained its deterrence capabilities” because “the war in Gaza has compensated for the shortcomings of the [2006] Second Lebanon War”; and that “there is no

doubt that Hezbollah leader Hassan Nasrallah is upset these days.... There will no longer be anyone in the Arab world who can claim that Israel is weak."[33]

New York Times foreign affairs expert Thomas Friedman joined in the chorus of hallelujahs. Israel actually won the 2006 Lebanon War, according to Friedman, because it had inflicted "substantial property damage and collateral casualties on Lebanon," thereby administering an "education" to Hezbollah: fearing the Lebanese people's wrath, Hezbollah would "think three times next time" before defying Israel. He expressed hope that Israel was likewise "trying to 'educate' Hamas by inflicting a heav y death toll on Hamas militants and heav y pain on the Gaza population." To justify the targeting of Lebanese civilians and civilian infrastructure during the 2006 war Friedman asserted that Israel had no other option because "Hezbollah created a very 'flat' military network... deeply embedded in the local towns and villages," and that because "Hezbollah nested among civilians, the only long-term source of deterrence was to exact enough pain on the civilians... to restrain Hezbollah in the future."[34]

Let's leave aside Friedman's hollow coinages—what does "flat" mean? Let's also leave aside that Friedman not only alleges that the killing of civilians was unavoidable but at the same time advocates targeting civilians as a deterrence strategy. Let's just consider whether it is even true that Hezbollah was "embedded in," "nested among," and "intertwined" with the Lebanese civilian population. Here's what the respected human rights organization Human Rights Watch (HRW) concluded after an exhaustive investigation: "We found strong evidence that Hezbollah stored most of its rockets in bunkers and weapon storage facilities located in uninhabited fields and valleys, that in the vast majority of cases Hezbollah fighters left populated civilian areas as soon as the fighting started, and that Hezbollah fired the vast majority of its rockets from preprepared positions outside villages." And again, "in all but a few of the cases of civilian deaths we investigated, Hezbollah fighters had not mixed with the civilian population or taken other actions to contribute to the targeting of a particular home or vehicle by Israeli forces." Indeed, "Israel's own firing patterns in Lebanon support the conclusion that Hezbollah fired large numbers of its rockets from tobacco fields, banana, olive and citrus groves, and more remote, unpopulated valleys."[35]

A U.S. Army War College study based largely on interviews with Israeli

soldiers who participated in the Lebanon War similarly found that “the key battlefields in the land campaign south of the Litani River were mostly devoid of civilians, and IDF participants consistently report little or no meaningful intermingling of Hezbollah fighters and noncombatants. Nor is there any systematic reporting of Hezbollah using civilians in the combat zone as shields.” On a related note, the authors report that “the great majority of Hezbollah’s fighters wore uniforms. In fact, their equipment and clothing were remarkably similar to many state militaries’—desert or green fatigues, helmets, web vests, body armor, dog tags, and rank insignia.”[36] Friedman further asserted that, “rather than confronting Israel’s Army head-on,” Hezbollah fired rockets at Israel’s civilian population to provoke Israeli retaliatory strikes, inevitably killing Lebanese civilians and “inflaming the Arab-Muslim street.” Yet numerous studies have shown,[37] and Israeli officials themselves conceded[38] that, during its guerrilla war against the Israeli occupying army, Hezbollah only targeted Israeli civilians after Israel targeted Lebanese civilians. In the 2006 war Hezbollah began firing rockets aimed at Israeli civilian concentrations only after Israel inflicted heav y casualties on Lebanese civilians, while Hezbollah leader Say yed Hassan Nasrallah avowed that it would target Israeli civilians “as long as the enemy undertakes its aggression without limits or red lines.”[39]

If Israel targeted the Lebanese civilian population and infrastructure during the 2006 war, it was not because it had no choice, and not because Hezbollah had provoked it, but because terrorizing Lebanese civilians appeared to be a lowcost method of “education.” This was much preferred over tangling with a real foe and suffering heav y casualties, although Hezbollah’s unexpectedly fierce resistance prevented Israel from claiming a victory on the battlefield. Still, it must be said that Israel did successfully educate the civilian Lebanese population, which is why Hezbollah was careful not to antagonize Israel during the Gaza invasion two years later.[40] Israel’s pedagogy also proved a success among the Gaza population. “It was hard to convince Gazans whose homes were demolished and family and friends killed and injured,” the International Crisis Group reported, “that this amounted to ‘victory,’” as Hamas boasted in the wake of the invasion.[41] In the case of Gaza, Israel could also lay claim to a military victory, but only because— in the words of Gideon Lev y—“a large, broad army is fighting against a helpless population and a weak, ragged organization that

has fled the conflict zones and is barely putting up a fight."[42]

The justification put forth by Friedman in the pages of the New York Times amounted to apologetics for state terrorism.[43] Indeed, Israel's evolving modus operandi for restoring its deterrence capacity describes a curve steadily regressing into barbarism. Israel won its victory in June 1967 primarily on the battlefield—albeit in a "turkey shoot" (Rostow)[44]—while in subsequent hostilities, mostly in Lebanon, it sought both to achieve a battlefield victory and to bombard the civilian population into submission. But Israel targeted Gaza to restore its deterrence capacity because it eschewed any of the risks of a conventional war; it targeted Gaza because it was largely defenseless. Israel's resort to unalloyed terror in turn revealed its relative decline as a military power while the celebration of its military prowess during and after the Gaza invasion by the likes of Benny Morris registered the growing detachment of mainstream Israeli intellectuals, and a good share of the public as well, from reality.

A supplementary benefit of this deterrence strategy was that it restored Israel's domestic morale. A February 2009 internal U.N. document concluded that the invasion's "one significant achievement" was that it dispelled doubts among Israelis about "their ability and the power of the IDF to issue a blow to its enemies.... The use of 'excessive force'. . . proves Israel is the landlord.... The pictures of destruction were intended more for Israeli eyes than those of Israel's enemies, eyes starved of revenge and national pride."[45]

Beyond restoring its deterrence capacity, Israel's main goal in the Gaza invasion was to fend off the latest threat posed by Palestinian pragmatism. The international community, apart from Israel and the United States, has consistently supported a settlement of the Israel-Palestine conflict that calls for two states based on a full Israeli withdrawal to its June 1967 borders, and a "just resolution" of the refugee question based on the right of return and compensation.[46] The United Nations General Assembly annually votes on a resolution titled "Peaceful Settlement of the Question of Palestine." This resolution repeatedly includes these tenets for achieving a "two-State solution of Israel and Palestine": (1) "Affirming the principle of the inadmissibility of the acquisition of territory by war"; (2) "Reaffirming the illegality of the Israeli settlements in the Palestinian territory occupied since 1967, including East Jerusalem"; (3) "Stresses the need for: (a) The

withdrawal of Israel from the Palestinian territory occupied since 1967, including East Jerusalem; (b) The realization of the inalienable rights of the Palestinian people, primarily the right to self-determination and the right to their independent State"; (4) "Also stresses the need for resolving the problem of the Palestine refugees in conformity with its resolution 194 (III) of 11 December 1948."[47]

Here is the recorded vote on this resolution in recent years:

Year	Vote [Yes-No-Abstained]	Negative votes cast by . . .
1997	155-2-3	Israel, United States
1998	154-2-3	Israel, United States
1999	149-3-2	Israel, United States, Marshall Islands
2000	149-2-3	Israel, United States
2001	131-6-20	Israel, United States, Marshall Islands, Micronesia, Nauru, Tuvalu
2002	160-4-3	Israel, United States, Marshall Islands, Micronesia
2003	160-6-5	Israel, United States, Marshall Islands, Micronesia, Palau, Uganda

2004	161-7-10	Israel, United States, Australia, Grenada, Marshall Islands, Micronesia, Palau
2005	156-6-9	Israel, United States, Australia, Marshall Islands, Micronesia, Palau
2006	157-7-10	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau
2007	161-7-5	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau
2008	164-7-3	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau
2009	164-7-4	Israel, United States, Australia, Marshall Islands, Micronesia, Nauru, Palau

At the regional level the March 2002 Arab League summit in Beirut unanimously put forth a peace initiative echoing the U.N. consensus, which it has subsequently reaffirmed (most recently at the March 2009 Arab League summit in Doha), while all 57 members of the Organization of the Islamic Conference (OIC), including Iran, “adopted the Arab peace initiative to resolve the issue of Palestine and the Middle East... and decided to use all possible means in order to explain and clarify the full implications of this initiative and win international support for its implementation.”[48] In the hands of propagandists for Israel this fact gets transmuted into “all 57 members of the OIC are virulently hostile to Israel.”[49] The Arab League

initiative commits it not just to recognize Israel but also to “establish normal relations” once Israel implements the consensus terms for a comprehensive peace.

In 2002 Israel started building a physical barrier that encroached deeply into the West Bank and took a sinuous path incorporating the large settlement blocks. The U.N. General Assembly requested that the International Court of Justice (ICJ) clarify the “legal consequences arising from the construction of the wall being built by Israel.” In 2004 the ICJ rendered its landmark advisory opinion, which, in the course of ruling the wall illegal, also reiterated the juridical framework for resolving the conflict.[50] It inventoried the “rules and principles of international law which are relevant in assessing the legality of the measures taken by Israel”: (1) “No territorial acquisition resulting from the threat or use of force shall be recognized as legal”; (2) “the policy and practices of Israel in establishing settlements in the Palestinian and other Arab territories occupied since 1967” have “no legal validity.” In its subsequent deliberations on “whether the construction of the wall has violated those rules and principles,” the ICJ found that:

Both the General Assembly and the Security Council have referred, with regard to Palestine, to the customary rule of “the inadmissibility of the acquisition of territory by war”.... It is on this same basis that the [Security] Council has several times condemned the measures taken by Israel to change the status of Jerusalem.

...

As regards the principle of the right of peoples to self-determination,... the existence of a “Palestinian people” is no longer in issue.... [Its] rights include the right to self-determination.

...

The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.

Not one of the 15 judges sitting on the ICJ registered dissent from these basic principles and findings. It can scarcely be said however that they

evinced prejudice against Israel, or that it was a “kangaroo court,” as Harvard law professor Alan M. Dershowitz alleged.[51] Several of the judges, although voting with the majority, expressed profound sympathy for Israel in their respective separate opinions. If the judges were nearly of one mind in their final determination, this consensus sprang not from collective prejudice but from the factual situation: the uncontroversial nature of the legal principles at stake and Israel’s unambiguous breach of them. Even the judge who voted against the 14-person majority condemning Israel’s construction of the wall, Thomas Buergenthal from the U.S., was at pains to stress that there was “much” in the advisory opinion “with which I agree.” On the crucial question of Israeli settlements he stated: “Paragraph 6 of Article 49 of the Fourth Geneva Convention... does not admit for exception on grounds of military or security exigencies. It provides that ‘the Occupying Power shall not deport or transfer parts of its own civilian population in the territory it occupies.’ I agree that this provision applies to the Israeli settlements in the West Bank and that their existence violates Article 49, paragraph 6.”

A broad international consensus also exists upholding the Palestinian “right of return.” It has already been shown that the annual United Nations resolution, supported overwhelmingly by member States, calls for a settlement of the refugee question on the basis of resolution 194, which “resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for property of those choosing not to return.”[52] In addition, respected human rights organizations “urge Israel to recognize the right to return for those Palestinians, and their descendants, who fled from territory that is now within the State of Israel, and who have maintained appropriate links with that territory” (Human Rights Watch), and “call for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right to return” (Amnesty International).[53] It will be noticed at this point that on all of the allegedly controversial final status issues of the “peace process”—borders, settlements, East Jerusalem, refugees—in actuality a broad consensus already exists and on each of these issues Israel’s position is overwhelmingly rejected by the most representative political body in the international community as well as the most

authoritative judicial body and human rights organizations in the world. It is acknowledged on all sides that the Palestinian Authority has not only accepted the terms of the global consensus but also expressed willingness to make significant concessions going beyond it.[54] But what about Hamas, which currently governs Gaza? A recent study by a U.S. government agency concluded that Hamas "has been carefully and consciously adjusting its political program for years and has sent repeated signals that it is ready to begin a process of coexisting with Israel."[55] Khalid Mishal, the head of Hamas's politburo, stated in a March 2008 interview, for example, that "most Palestinian forces, including Hamas, accept a state on the 1967 borders."[56] Even right after the Gaza invasion Mishal reiterated that "the objective remains the constitution of a Palestinian state with East Jerusalem as its capital, the return of the Israelis to the pre-67 borders and the right of return of our refugees."[57] In a complementar y formulation Mishal told Jimmy Carter in 2006 (and later reaffirmed in a Damascus press conference) that "Hamas agreed to accept any peace agreement negotiated between the leaders of the PLO [Palestine Liberation Organization] and Israel provided it is subsequently approved by Palestinians in a referendum or by a democratically elected government."[58]

From the mid-1990s onward Hamas "rarely, if at all" adverted to its notoriously anti-Semitic charter and now "no longer cites or refers" to it.[59] Israeli officials knew full well before they attacked Gaza that despite the charter a diplomatic settlement could have been reached with Hamas. "The Hamas leadership has recognized that its ideological goal is not attainable and will not be in the foreseeable future," former Mossad head Ephraim Levy observed. "They are ready and willing to see the establishment of a Palestinian state in the temporary borders of 1967.... They know that the moment a Palestinian state is established with their cooperation, they will be obligated to change the rules of the game: They will have to adopt a path that could lead them far from their original ideological goals."[60]

In recent times Israelis (and influential U.S. officials) have demanded that Palestinians acquiesce not only in a two-state settlement but also in the "legitimacy of Zionism and Israel," "Israel's Jewishness," and Israel being a "Jewish state."[61] In June 2009 Prime Minister Benjamin Netanyahu beseeched Palestinians to "recognize the right of the Jewish people to a state of their own in this land," and in his September 2009 appearance at the

United Nations, he implored Palestinians "to finally do what they have refused to do for 62 years: Say yes to a Jewish state."[62]

Israel's quarrel, however, appears to be not with Palestinians but international law. The terms of the international consensus for resolving the Israel-Palestine conflict do not require Palestinians' recognition of the legitimacy of Zionism and the state of Israel. Indeed, according to a prominent scholar of the question, even Israel's admission to the United Nations did "not confer political legitimacy . . . or remove the defects in the original title of Israel. The meaning of the Balfour Declaration, the validity of the Partition Plan approved in resolution 181 (II), and the moral basis of the State of Israel are still a real cause for debate," although—the caveat is critical—"this debate does not affect Israel's position as a State in the international community, entitled to the benefits and subject to the burdens of international law."[63]

Dennis Ross, the Middle East point man in the Clinton and Obama administrations, grouses that even those moderate Arab states that are "prepared to accept Israel's existence... deny the Zionist enterprise any moral legitimacy. For them Israel exists as a fact, not a right."[64] Yet, it might be recalled that although Mahatma Gandhi recognized the division of India as an "accomplished fact" that he was "forced to accept," he adamantly refused to "believe in" a distinct Muslim nationalism and India's "artificial partition"; indeed until his death he held the British partition of India to be "poison" and the notion of Pakistan to be a "sin."[65] One is hard-pressed to make out a distinction on this point between Gandhi's stance and that of moderate Arab states—or even of Hamas, which "draws a very clear distinction between Israel's right to exist, which it consistently denies, and the fact of its existence, and it has stated explicitly that it accepts the existence of Israel as a fait accompli," an "existing reality," and an "established fact."[66] It is also hard to fathom on what legal or moral principle Israel's "Jewishness" must be recognized or why it must be recognized as a "Jewish state" when one in four Israeli citizens is not Jewish. It seems that in order to obtain their own rights Palestinians living outside Israel's borders are obliged to forfeit the claims to Israeli citizenship and identity of their brethren living inside Israel. It is also passing strange that Palestinians are allegedly obliged to give Israel unqualified recognition as a "Jewish state" when even former Israeli Supreme Court president

Aharon Barak acknowledges that its signification remains elusive: “We still have not worked out properly the interrelationship between the Jewishness of the state and the fact that it is a state of all its citizens.”[67]

Let’s return now to the events leading up to the December 2008 Gaza invasion. After having rejected Hamas’s ceasefire proposals for months, Israel finally agreed to them in June 2008.[68] Hamas was “careful to maintain the ceasefire,” an official Israeli publication reported, despite Israel’s reneging on the crucial quid pro quo that it substantially lift the economic blockade of Gaza. “The lull was sporadically violated by rocket and mortar shell fire, carried out by rogue terrorist organizations,” the Israeli source continued. “At the same time, the [Hamas] movement tried to enforce the terms of the arrangement on the other terrorist organizations and to prevent them from violating it.”[69] Moreover, even after Israel broke the ceasefire, Hamas was “interested in renewing the relative calm with Israel,” according to Israeli internal security chief Yuval Diskin, and Hamas would have accepted a “bargain” in which it “would halt the fire in exchange for easing of... Israeli policies [that] have kept a choke hold on the economy of the Strip,” according to former IDF commander in Gaza Shmuel Zakai.[70]

The Islamic movement had on this occasion stood by its word, making it a credible negotiating partner. And unlike the hapless Palestinian Authority, which was doing Israel’s bidding but getting no returns, Hamas appeared to extract concessions from Israel. As a result, Hamas’s stature among Palestinians was further enhanced.

Hamas’s acceptance of the two-state settlement and the ceasefire proved a daunting challenge for Israel. It could no longer justify shunning Hamas; it would be only a matter of time before the Europeans renewed dialogue and relations with the organization. The prospect of an incoming U.S. administration negotiating with Iran and Hamas, and moving closer to the international consensus for settling the Israel-Palestine conflict, which some U.S. policymakers now advocated,[71] would have further highlighted Israel’s intransigence. Thus, in its 2008 annual assessment, the Jewish People Policy Planning Institute, headquartered in Jerusalem and chaired by Dennis Ross, cautioned: “The advent of the new administration in the U.S. could be accompanied by an overall political reassessment... the Iran issue could come to be viewed as the key to the stabilization of the Middle East, and...a strategy seeking a comprehensive ‘regional deal’ may be devised,

which would include a relatively aggressive effort to resolve the Israeli-Arab conflict."[72] In an alternative scenario, speculated on by Hezbollah's Nasrallah, the incoming American administration planned to convene an international peace conference of "Americans, Israelis, Europeans and so-called Arab moderates" to impose a settlement. The one obstacle was "Palestinian resistance and the Hamas government in Gaza," and "getting rid of this stumbling block is... the true goal of the war."[73] In either case Israel needed to provoke Hamas into resuming its attacks, and then radicalize or destroy it, thereby eliminating it as a legitimate negotiating partner or as an obstacle to a settlement on Israel's terms.

It was not the first time Israel had confronted such a threat—an Arab League peace initiative, tentative Palestinian support for a two-state settlement, and a Palestinian ceasefire— and not the first time it had embarked on provocation and war to overcome it. "By the late 1970s," Israeli scholars Shaul Mishal and Avraham Sela recall, "the two-state solution had won the support of the Palestinian leadership in the occupied territories as well as that of most Arab states and other members of the international community."[74] In addition PLO leaders headquartered in Lebanon strictly adhered to a ceasefire with Israel negotiated in July 1981.[75] In August 1981 Saudi Arabia unveiled, and the Arab League subsequently approved, a peace plan based on the two-state settlement.[76] Reacting to these developments Israel stepped up preparations in September 1981 to destroy the PLO.[77] In his analysis of the build-up to the 1982 Lebanon War, Israeli strategic analyst Avner Yaniv reported that PLO leader Yasser Arafat was contemplating a historic compromise with the "Zionist state," whereas "all Israeli cabinets since 1967" as well as "leading mainstream doves" opposed a Palestinian state. Fearing diplomatic pressures Israel maneuvered to sabotage the two-state settlement by eliminating the PLO as a potential negotiating partner. It conducted punitive military raids "deliberately out of proportion" against "Palestinian and Lebanese civilians" in order to weaken "PLO moderates," strengthen the hand of Arafat's "radical rivals," and guarantee the PLO's "inflexibility." Israel eventually had to choose between a pair of stark options: "a political move leading to a historic compromise with the PLO, or preemptive military action against it." To fend off Arafat's "peace offensive"—Yaniv's telling phrase—Israel embarked on military action in June 1982. The Israeli

invasion “had been preceded by more than a year of effective ceasefire with the PLO,” but after murderous Israeli provocations, the last of which left as many as 200 civilians dead (including 60 occupants of a Palestinian children’s hospital), the PLO finally retaliated, causing a single Israeli casualty. Although Israel used the PLO’s resumption of attacks on northern Israel as the broad pretext for its invasion (“Operation Peace in the Galilee”), Yaniv concluded that the “raison d’être of the entire operation” was “destroying the PLO as a political force capable of claiming a Palestinian state on the West Bank.”[78]

Fast forward to the present. In early December 2008 Israeli Foreign Minister Tzipi Livni stated that although Israel wanted to create a temporary period of calm with Hamas, an extended truce “harms the Israeli strategic goal, empowers Hamas, and gives the impression that Israel recognizes the movement.”[79] Translation: a protracted ceasefire that spotlighted Hamas’s pragmatism in word and deed and that consequently brought to bear international pressure on Israel to negotiate a diplomatic settlement would undermine Israel’s strategic goal of retaining the valuable parts of the West Bank.

Israel had resolved to attack Hamas as far back as March 2007 and only acquiesced in the June 2008 truce because “the Israeli army needed time to prepare.”[80]

Once all the pieces were in place Israel needed only a pretext to abort the ceasefire. A careful study covering the period 2000–2008 demonstrated that “overwhelmingly” it was “Israel that kills first after conflict pauses.”[81] After the Gaza redeployment in late 2005 it was Israel that broke the de facto truce with Hamas that began in April 2005, and after Hamas won the 2006 elections it was Israel that persisted in its illegal practice of “targeted assassinations” despite a Hamas ceasefire.[82]

Again on 4 November 2008, while the American public and media were riveted to the election-day returns, Israel broke the ceasefire by killing Palestinian militants on the spurious pretext of preempting a Hamas raid, knowing full well that it would provoke Hamas into hitting back.[83] “A ceasefire agreed in June between Israel and Palestinian armed groups in Gaza held for four-and-a-half months,” Amnesty observed in its annual report, “but broke down after Israeli forces killed six Palestinian militants in air strikes and other attacks on 4 November.”[84]

The predictable sequel to Israel's attack was that Hamas resumed its rocket attacks—"in retaliation," as the Israeli Intelligence and Terrorism Information Center wrote.[85] Israel tightened yet again the illegal economic blockade of Gaza while demanding a unilateral and unconditional ceasefire by Hamas. Even before Israel intensified the blockade former U.N. High Commissioner for Human Rights Mary Robinson decried its effects: Gaza's "whole civilization has been destroyed, I'm not exaggerating."[86] By December 2008 the crisis in Gaza had reached catastrophic proportions. "Food, medicine, fuel, parts for water and sanitation systems, fertilizer, plastic sheeting, phones, paper, glue, shoes and even teacups are no longer getting through in sufficient quantities or at all," Harvard political economist Sara Roy reported. "The breakdown of an entire society is happening in front of us, but there is little international response beyond U.N. warnings which are ignored."[87]

If Hamas had not reacted after the 4 November killings, Israel would almost certainly have ratcheted up its provocations, just as it did in the lead-up to the 1982 war, until restraint became politically untenable for Hamas. In any event, faced with the prospect of an asphyxiating Israeli blockade even if it ceased firing rockets, forced to choose between "starvation and fighting,"[88] Hamas opted for resistance, albeit largely symbolic. "You cannot just land blows, leave the Palestinians in Gaza in the economic distress they're in, and expect that Hamas will just sit around and do nothing," the former IDF commander in Gaza observed.[89] "Our modest, home-made rockets," Hamas leader Khalid Mishal wrote in an open letter during the invasion, "are our cry of protest to the world."[90] But Israel could now enter a plea of self-defense to its willfully gullible Western patrons as it embarked on yet another murderous invasion to foil yet another Palestinian peace offensive. Apart from minor adaptations in the script—the bogey was not "PLO terrorism" but "Hamas terrorism," the pretext was not shelling in the north but rocket fire in the south—the 2008 reprise stayed remarkably faithful to the 1982 original, derailing a functioning ceasefire and preempting a diplomatic settlement of the conflict.[91]

OceanofPDF.com

3/ WHITEWASH

Recognizing that images of dead civilians and massive destruction in Gaza had flooded the world media during the invasion, Israel and its defenders set out to win the spin wars. Shortly after a ceasefire went into effect on 18 January 2009, Anthony H. Cordesman published a report titled The "Gaza War": A strategic analysis.[1] Because Cordesman is an influential military analyst in academia, the political establishment, and the media,[2] and his study in effect synthesizes Israel's makeshift rebuttals to criticism of the invasion, it merits close scrutiny. Cordesman reached the remarkable conclusion that "Israel did not violate the laws of war."[3] His analysis was based on "briefings in Israel during and immediately after the fighting made possible by a visit sponsored by Project Interchange, and using day-to-day reporting issued by the Israeli Defense Spokesman."[4] Cordesman omitted mention that Project Interchange is an institute of the fanatically "pro"-Israel American Jewish Committee.

Meanwhile, apart from adverse media coverage Israel had to cope with a mountain of human rights reports condemning its crimes in Gaza that began to accumulate after the ceasefire. Because of the sheer number of them, the wide array of reputable organizations issuing them, and the uniformity of their major conclusions, these reports could not easily be dismissed.[5] Although the reports made significant use of Palestinian witnesses, these testimonies also could not easily be dismissed as Hamas-inspired propaganda or tainted by Hamas intimidation because "delegates who visited Gaza during and after Operation 'Cast Lead,' as on many other occasions in recent years, were able to carry out their investigations unhindered and people often voiced criticisms of Hamas's conduct, including rocket attacks."[6]

The proliferating denunciations eventually compelled the Israeli government itself to issue a "factual and legal" defense of "the operation in Gaza." It alleged that these human rights reports "too often" amounted to a "rush to judgment" because they were published "within a matter of hours, days or weeks" after the invasion.[7] In fact most of the reports came out months later. To be sure, Israel was not wholly dismissive of human rights reports. It did cite one that condemned Hamas suicide bombings.[8]

Rejecting the main thrust of the reports, the Israeli brief claimed that “Israel took extensive measures to comply with its obligations under international law” and that the Israel Defense Forces’ (IDF’s) “mode of operation reflected the extensive training of IDF soldiers to respect the obligations imposed under international law.”[9] The critical evidence adduced in the brief consisted largely of testimonies extracted from Palestinian detainees during “interrogation.” It would surely be querulous to cast doubt on such confessions just because, according to the Goldstone Report, Palestinian detainees rounded up during the Gaza invasion were “subjected... to cruel, inhuman and degrading treatment throughout their ordeal in order to terrorize, intimidate and humiliate them. The men were made to strip, sometimes naked, at different stages of their detention. All the men were handcuffed in a most painful manner and blindfolded, increasing their sense of fear and helplessness”; “Men, women and children were held close to artillery and tank positions, where constant shelling and firing was taking place, thus not only exposing them to danger, but increasing their fear and terror. This was deliberate.” Detainees were “subjected to beatings and other physical abuse that amounts to torture”; “used as human shields”; subjected to “methods of interrogation [that] amounted not only to torture... but also to physical and moral coercion of civilians to obtain information”; and “subjected to torture, maltreatment and foul conditions in the prisons.”[10]

Another unimpeachable source for the Israeli brief was reportage from the Italian journalist Lorenzo Cremonesi.[11] The brief did not however cite his most spectacular scoop that a total of “not more than 500–600” Palestinians died in Gaza during the invasion—which meant that not only had human rights organizations grossly exaggerated the Palestinian death toll but Israel itself had as well.[12] Other authoritative sources cited by the Israeli brief included an “Internet user” and “a participant on a Fatah Internet forum.”[13]

In his defense of Israel, Cordesman put full faith in the pronouncements of Israeli officialdom. But in recent years respected Israeli analysts have invested less confidence in government sources. “The state authorities, including the defense establishment and its branches,” Uzi Benziman observed in Haaretz, “have acquired for themselves a shady reputation when it comes to their credibility.” The “official communiqués published by the IDF have progressively liberated themselves from the constraints of

truth," B. Michael wrote in Yediot Ahronot, and the "heart of the power structure"—police, army, intelligence—has been infected by a "culture of lying."[14] During the Gaza invasion Israel was repeatedly caught lying about, among many other things, its use of white phosphorus.[15] On 7 January 2009 an IDF spokesman informed CNN, "I can tell you with certainty that white phosphorus is absolutely not being used," and on 13 January 2009 IDF Chief of Staff Gabi Ashkenazi told the Knesset Foreign Affairs and Defense Committee, "The IDF acts only in accordance with what is permitted by international law and does not use white phosphorus."[16] Even after numerous human rights organizations irrefutably documented Israel's illegal use of white phosphorus, an Israeli "military inquiry" persisted in its prevarications.[17] Recalling Israel's train of lies during both the 2006 Lebanon War and the Gaza invasion, a former senior Pentagon analyst and current senior military analyst with Human Rights Watch (HRW) rhetorically asked, "How can anyone trust the Israeli military?"[18]

A chunk of Cordesman's "strategic analysis" consisted of reproducing verbatim the daily press releases of the Israeli air force and army spokespersons, which he then dubbed "chronologies" of the war. He alleged that these statements offer "considerable insight" into what happened.[19] Some of these statements provided so much insight that he reproduced them multiple times. For example he repeatedly recycled versions of each of these statements: "The IDF will continue operating against terror operatives and anyone involved, including those sponsoring and hosting terrorists, in addition to those that send innocent women and children to be used as human shields"; "The IDF will not hesitate to strike those involved both directly and indirectly in attacks against the citizens of the State of Israel"; "The IDF will continue to operate against Hamas terror infrastructure in the Gaza Strip according to plans in order to reduce the rocket fire on the south of Israel"; "IDF Infantry Corps, Armored Corps, Engineering Corps, Artillery Corps and Intelligence Corps forces continued to operate during the night against Hamas terrorist infrastructure throughout the Gaza Strip."[20] Much of Cordesman's report was, in other words, simply a repackaging of the Israeli military's PR materials.

Thus Cordesman reproduced, without comment, the 30 December 2008 Israeli press release claiming that Israel hit "a vehicle transporting a

stockpile of Grad missiles,"[21] although a B'Tselem investigation at the time found that they were almost certainly oxygen canisters.[22] Subsequent investigations confirmed, and the IDF eventually conceded, B'Tselem's finding. Eight civilians were killed in this precision drone-missile attack on the vehicle even though, according to HRW, "the drone's advanced imaging equipment should have enabled the drone operator to determine the nature of the objects under surveillance. The video posted online by the IDF indicates that this was the case."[23] Cordesman alleged that official Israeli data are "far more credible" than non-Israeli data, such as that from U.N. sources, one reason being that "many Israelis feel that such U.N. sources are strongly biased in favor of the Palestinians."[24]

Following this logic, Israel's allegation that two-thirds of those killed in Gaza were Hamas fighters should be credited[25]—just as Israel's claim that 60 percent of those killed in the 2006 Lebanon War were Hezbollah fighters should be credited,[26] even if all independent sources put the figure at closer to 20 percent.[27]

Although Cordesman's report exculpated Israel of any wrongdoing, he entered the "key caveat" that he was not passing a "legal or moral" judgment on Israel's conduct and that "analysts without training in the complex laws of war" should not render such judgments.[28] Cordesman's exculpation and caveat did not sit well together. He averred that neither the "laws of war" nor "historical precedents" barred "Israel's use of massive amounts of force," while he cautioned that he would not pass legal or moral judgment on the "issue of proportionality."[29] In essence, he denied absolving Israel even as he clearly did so. Cordesman also alleged that the laws of war were "often difficult or impossible to apply."[30] If so, whence his certainty that "Israel did not violate the laws of war"? He further alleged that the laws of war were biased because they "do not bind or restrain non-state actors like Hamas."[31] It is not immediately apparent, however, that the laws of war have bound or restrained Israel either. And in fact "the laws of war ... favor conventional over unconventional forces in asymmetric warfare," according to Harvard law professor Duncan Kennedy.[32]

For instance, state-of-the-art technology readily available only to conventional armies effectively sets the standard for whether or not a weapon is "discriminate" and its use therefore legal.

Cordesman trumpeted the exceptional care Israel took during the invasion

to limit civilian casualties and damage to civilian infrastructure. He alleged that “every aspect” of the Israeli air force’s targeting plan “was based on a detailed target analysis that explicitly evaluated the risk to civilians and the location of sensitive sites like schools, hospitals, mosques, churches, and other holy sites,” while the “smallest possible weapon” coupled with precision intelligence and guidance systems were used to “deconflict military targeting from damage to civilian facilities.”[33] And again: “Israel did plan its air and air-land campaigns in ways that clearly discriminated between military and civilian targets and that were intended to limit civilian casualties and collateral damage.”[34] He knew these things because that is what his Israeli hosts told him and that is what the Israeli press releases repeatedly stated.

In its own brief, The Operation in Gaza, the Israeli government alleged that Israeli forces directed their attacks “solely against military objectives” and endeavored to ensure that “civilians and civilian objects would not be harmed”; that “where incidental damage to civilians or civilian property could not be avoided, the IDF made extraordinary efforts to ensure that it would not be excessive”; that the IDF “used the least destructive munitions possible to achieve legitimate military objectives” as well as “sophisticated precision weapons to minimize the harm to civilians”; and that the IDF “carefully checked and cross-checked targets... to make sure they were being used for combat or terrorist activities, and not instead solely for civilian use.”[35]

Based on what journalists and human rights organizations found, and what Israeli soldiers in the field testified, however, a radically different picture comes into relief. Because “Israelis would have trouble accepting heav y Israel Defense Forces losses,” Haaretz reported, the army resorted to “overwhelming firepower.... The lives of our soldiers take precedence, the commanders were told in briefings.” The General Staff anticipated before the onslaught that “600–800 Palestinian civilians” would be killed.[36]

“We’re going to war,” a company commander told his soldiers before the attack. “I want aggressiveness— if there’s someone suspicious on the upper floor of a house, we’ll shell it. If we have suspicions about a house, we’ll take it down.... There will be no hesitation.”[37] “When we suspect that a Palestinian fighter is hiding in a house, we shoot it with a missile and then with two tank shells, and then a bulldozer hits the wall,” a senior IDF

officer told Haaretz. “It causes damage but it prevents the loss of life among soldiers.”[38]

Whereas the official Israeli brief alleged that “the protection of IDF troops did not override all other factors,”[39] soldiers recalled after the invasion how the IDF “used a huge amount of firepower and killed a huge number of people along the way, so that we wouldn’t get hurt and they wouldn’t fire on us” (squad commander); “We were told: ‘any sign of danger, open up with massive fire’” (member of a reconnaissance company); “We shot at anything that moved” (Golani Brigade fighter); “Despite the fact that no one fired on us, the firing and demolitions continued incessantly” (gunner in a tank crew); “Not a hair will fall off a soldier of mine, and I am not willing to allow a soldier of mine to risk himself by hesitating. If you are not sure—shoot”

(soldier recalling his battalion commander’s order); “If you face an area that is hidden by a building—you take down the building. Questions such as ‘who lives in that building[?]’ are not asked” (soldier recalling his brigade commander’s order); “If the deputy battalion commander thought a house looked suspect, we’d blow it away. If the infantrymen didn’t like the looks of that house—we’d shoot” (unidentified soldier); “As for rules of engagement, the army’s working assumption was that the whole area would be devoid of civilians.... Anyone there, as far as the army was concerned, was to be killed” (unidentified soldier).[40] “Essentially, a person only need[ed] to be in a ‘problematic’ location,” a Haaretz reporter found, “in circumstances that can broadly be seen as suspicious, for him to be ‘incriminated’ and in effect sentenced to death.”[41]

Beyond the civilian casualties, Israel destroyed or damaged 58,000 homes (6,300 were completely destroyed or sustained severe damage), 280 schools and kindergartens (18 schools were completely destroyed and six university buildings were razed to the ground), 1,500 factories and workshops, several buildings housing Palestinian and foreign media (two journalists were killed while working, four others were also killed), water and sewage installations, 80 percent of agricultural crops, and nearly one-fifth of cultivated land.[42] It is nonetheless alleged that Israel took every precaution not to damage civilian objects. Indeed, who can doubt that the IDF “carefully checked and cross-checked targets... to make sure they were being used for combat or terrorist activities” (Israeli brief) when it launched an “intentional and

precise” attack destroying the “only one of Gaza’s three flour mills still operating” which produced “the most basic staple ingredient of the local diet”?[43] Who can doubt that the IDF “clearly discriminated between military and civilian targets” (Cordesman) when it “systematically and deliberately” “flattened” a large chicken farm that supplied 10 percent of the Gaza egg market “and 65,000 chickens were crushed to death or buried alive”?[44] After the invasion was over Israel alleged that the death and destruction appeared indefensible only because “there is a limit to the amount of intelligence it can share with commissions of inquiry without compromising operational capabilities and intelligence sources.”[45] If the world only knew what was in those chickens...

Some 600,000 tons of rubble were left after Israel finally withdrew.[46] The total direct cost of the damage to Gaza’s civilian infrastructure was estimated at $660–900 million, while total losses from the destruction and disruption of economic life during the invasion were put at $3–3.5 billion.[47] By comparison Hamas rocket attacks on Israel damaged “several civilian homes and other structures..., one was almost completely destroyed,”[48] while total damages came to $15 million.[49]

In postinvasion testimonies IDF soldiers recalled the macabre scenes of destruction in Gaza: “We didn’t see a single house that remained intact.... Nothing much was left in our designated area. It looked awful, like in those World War II films where nothing remained. A totally destroyed city”; “We demolished a lot. There were people who had been in Gaza for two days constantly demolishing one house after the other, and we’re talking about a whole battalion”; “One night they saw a terrorist and he disappeared so they decided he’d gone into a tunnel, so they brought a D-9 [bulldozer] and razed the whole orchard”; “There was a point where D-9s were razing areas. It was amazing. At first you go in and see lots of houses. A week later, after the razing, you see the horizon further away, almost to the sea”; “The amount of destruction there was incredible. You drive around those neighborhoods, and can’t identify a thing. Not one stone left standing over another. You see plenty of fields, hothouses, orchards, everything devastated. Totally ruined. It’s terrible. It’s surreal.”[50] One veteran of the invasion designed a T-shirt depicting a King Kong–like soldier clenching a mosque while glowering over a city under attack, and bearing the slogan “If you believe it can be fixed, then believe it can be destroyed!” “I was in

Gaza," he elaborated, "and they kept emphasizing that the object of the operation was to wreak destruction on the infrastructure."[51]
The Israeli brief alleged that its "overall use of force against Hamas during the Gaza Operation was... proportional to the threat posed by Hamas."[52]
The postinvasion testimonies of Israeli soldiers vividly depicted what such "proportional" use of force felt like: "This was firepower such as I had never known... there were blasts all the time... the earth was constantly shaking"; "On the ground you hear these thunderous blasts all day long. I mean, not just tank shelling, which was a tune we'd long gotten used to, but blasts that actually rock the outpost, to the extent that some of us were ordered out of the house we were quartered in for fear it would collapse."[53]
"Much of the destruction" of civilian buildings and infrastructure, according to Amnesty, "was wanton and resulted from deliberate and unnecessary demolition of property, direct attacks on civilian objects and indiscriminate attacks that failed to distinguish between legitimate military targets and civilian objects."[54] The timing and pace of the devastation buttress Amnesty's finding and further undermine official Israeli explanations. Fully 90 percent of the destruction of civilian buildings and infrastructure—including the destruction of juice, ice cream, biscuit, and Pepsi-Cola factories—reportedly took place in the last days of the invasion in areas fully controlled by the IDF where it met limited resistance, and much of the destruction was wrought by Israeli troops as they withdrew.[55]
The official Israeli brief alleged that "IDF orders and directions... stressed that all demolition operations should be carried out in a manner that would minimize to the greatest extent possible the damage caused to any property not used by Hamas and other terrorist organizations in the fighting."[56]
Yet, an expanse in eastern Gaza including farms, factories, and homes was "virtually flattened," and according to a military expert Israel's "deliberate and systematic" destruction of that sector through a combination of bulldozers and antitank mines "took at least two days of hard labor."[57] It might be contended that Israel targeted so many homes because—according to an IDF spokesman whom Cordesman uncritically quotes— "Hamas is booby-trapping every home that is abandoned by its residents."[58] But after the invasion this already implausible argument was fatally undermined when the IDF itself conceded that the "scale of destruction" was legally indefensible.[59]

Still, Deputy Prime Minister Eli Yishai declared, “Even if the [Hamas] rockets fall in an open air [sic] or to the sea, we should hit their infrastructure, and destroy 100 homes for every rocket fired,” and a security official beamed with pride that by “flattening buildings believed to be booby-trapped,” Israel had broken “the DNA of urban guerrilla fighting.”[60] Israel targeted not only civilian buildings and infrastructure but also Gaza’s cultural inheritance. Fully 30 mosques were destroyed and 15 more damaged during the Israeli assault. Cordesman knew that “IDF forces almost certainly were correct in reporting that Hamas used mosques and other sensitive sites in combat”[61] because that is what his “chronologies” based on IDF press releases stated. It seems telling, however, that although Israel initially alleged secondary explosions after mosques were hit, it subsequently dropped this defense altogether while it continued to target mosques.[62] In the Goldstone Mission’s investigation of an “intentional” Israeli missile attack on a mosque that killed at least 15 people attending services, it found “no evidence that this mosque was used for the storage of weapons or any military activity by Palestinian armed groups.”[63] Israel’s various alibis also could not account for its systematic targeting of minarets, which, being too narrow for snipers to ascend, had no military value. The final report of a fact-finding committee headed by South African jurist John Dugard concluded that “mosques, and more particularly the minarets, had been deliberately targeted on the grounds that they symbolized Islam.”[64] Postinvasion IDF testimony confirmed the indiscriminate targeting of mosques.[65]

Israel justified its targeting of educational institutions on the grounds that they contained weapons stores and that rockets had been fired from their vicinity. However, when challenged in a specific instance to provide proof for its allegations, Israel conceded that its photographic evidence was from 2007.[66]

The Goldstone Report “did not find any information about [educational institutions’] use as a military facility or their contribution to a military effort that might have made them a legitimate target in the eyes of the Israeli armed forces.”[67] The official Israeli brief alleged that, after his arrest, a Palestinian detainee “admitted” under interrogation that “Hamas operatives frequently carried out rocket fire from schools... precisely because they knew that Israeli jets would not fire on schools.”[68] Why would

he make such a confession when, over and over again, Israeli weaponry did precisely that?

Although the devastation of Gaza was wanton, there was nonetheless a near-perfect synchronization of method to this madness. If, as Israel asserted and investigators found, it possessed fine “grid maps” of Gaza and an “intelligence gathering capacity” that “remained extremely effective”; and if it made extensive use of state-of-the-art precision weaponry; and if “99 percent of the firing that was carried out [by the Air Force] hit targets accurately”; and if it only once targeted a building erroneously: then, as the Goldstone Report logically concluded, the massive destruction Israel inflicted on Gaza’s civilian infrastructure must have “resulted from deliberate planning and policy decisions throughout the chain of command, down to the standard operating procedures and instructions given to the troops on the ground.”[69] In other words, Israel was able to pinpoint its targets on the ground and, by its own admission, could and did hit these designated targets with pinpoint accuracy. It thus cannot be said that the criminal wreckage resulted from mishap or from a break in the chain of command. What happened in Gaza was meant to happen—by everyone from the soldiers in the field who executed the orders to the officers who gave the orders to the politicians who approved the orders. “The wholesale destruction was to a large extent deliberate,” Amnesty similarly concluded, “and an integral part of a strategy at different levels of the command chain, from high-ranking officials to soldiers in the field.”[70]

In the face of this wholesale assault on Gazan society it was still alleged that Israel sought to limit civilian casualties. Cordesman highlighted, for example, that Israel “distributed hundreds of thousands of leaflets and used its intelligence on cell phone networks in Gaza to issue warnings to civilians.”[71] In its official brief the Israeli government pointed up its “extraordinary steps to avoid harming civilians in its Gaza Operation” and “significant efforts to minimize harm to civilians” such as dropping “leaflets warning occupants to stay away from Hamas strongholds and leave buildings that Hamas was using to launch attacks” and attempting “to contact occupants by telephone, to warn of impending attacks on particular buildings.”[72]

In reality the leaflets and phone calls “failed to give details of the areas to be targeted,” according to human rights reports, “and conversely which areas were safe.” Moreover, because of the extensive aerial bombardment

across the whole of the Gaza Strip, and because the borders with Israel and Egypt were sealed, there was “nowhere for the civilian population to have gone.” The intended or foreseeable consequence of these socalled warnings amid the indiscriminate and sustained bombing and shelling of Gaza was to create “a state of terror, confusion, and panic among the local population.”[73] Interior Minister Meir Sheetrit alleged that “the army called [sic] 250,000 telephone calls to the people to leave their houses”—causing Amnesty International to observe, “There are barely 250,000 households in Gaza. If indeed the Israeli army called that many families to tell them to leave their homes, this would mean that virtually every family was told to do so.”[74]

In addition to emphasizing its prior warnings, Israel played up its relief efforts during the invasion. The official brief alleged that “during the Gaza Operation... Israel... sought to provide and facilitate humanitarian assistance” and implemented a “far-reaching effort to ensure that the humanitarian needs of the civilian population in Gaza were met.”[75] Lest Israeli solicitude be doubted, Cordesman repeatedly cited Israeli press statements as well as “Israeli Ministry of Defense claims” affirming it.[76] He also included an unimpeachable statement from none other than Defense Minister Ehud Barak that “we are well aware of the humanitarian concerns; we are doing and will continue to do everything possible to provide all humanitarian needs to the residents of Gaza.”[77]

The facts on the ground, however, looked rather different. “U.N. agencies and humanitarian NGOs continued to carry out operations despite extreme insecurity,” the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) observed. “In the course of the three weeks of hostilities, five UNRWA [United Nations Relief and Works Agency] staff and three of its contractors were killed while on duty, and another 11 staff and four contractors were injured; four incidents of aid convoys being shot at have been reported; at least 53 United Nations buildings sustained damage.”[78] Foreign Minister Tzipi Livni’s assertion in the midst of the attack that “no humanitarian crisis” existed in Gaza provoked a rebuke from UNRWA’s director of operations: “We have a catastrophe unfolding in Gaza for the civilian population.... They’re trapped, they’re traumatized, they’re terrorized.”[79] Although entering some generic caveats acknowledging Israel’s “delays and mistakes,”[80]

Cordesman could not find the space amid the countless Israeli press releases

he cited to quote this or countless other critical statements by relief organizations and U.N. officials. The Goldstone Report concluded that Israel "violated its obligation to allow free passage of all consignments of medical and hospital objects, food and clothing"; that "the amounts and types of food, medical and hospital items and clothing [allowed in] were wholly insufficient to meet the humanitarian needs of the population"; and that from its tightening of the blockade in June 2007 to the end of the invasion Israel prevented passage of sufficient goods "to meet the needs of the population."[81]

Even after the mid-January 2009 ceasefire went into effect, Israel continued to block humanitarian assistance, including shipments of chickpeas, dates, tea, macaroni, sweets, jam, biscuits, tomato paste, children's puzzles, and plastic bags to distribute food.[82] "Little of the extensive damage [Israel] caused to homes, civilian infrastructure, public services, farms and businesses has been repaired," 16 respected humanitarian and human rights organizations reported in a comprehensive study released one year after the invasion. "This is not an accident; it is a matter of policy. The Israeli government's blockade... not only forbids most Gazans from leaving or exporting anything to the outside world, but also only permits the import of a narrowly-restricted number of basic humanitarian goods." The study found that as a direct result of the continuing Israeli blockade "all kinds of construction materials—cement, gravel, wood, pipes, glass, steel bars, aluminum, tar—and spare parts are in desperately short supply or completely unavailable"; "90 percent of the people of Gaza continue to suffer power cuts of four to eight hours a day—while the rest still have no power at all"; thousands were left "to an existence without piped water"; and there were "long delays in or denial of entry of basic educational supplies such as textbooks and paper," while "children, already traumatized by the military offensive, cannot learn and develop in these unsafe and unsanitary conditions."[83]

Israel's interference with humanitarian relief efforts during the Gaza invasion was part and parcel of its broader attack on U.N. agencies. After visiting an UNRWA building that had been set ablaze when Israel fired white phosphorus shells at it, U.N. Secretary-General Ban Ki-moon said, "I am just appalled... it is an outrageous and totally unacceptable attack against the United Nations."[84] A U.N.-commissioned Board of Inquiry that investigated assaults on multiple U.N. sites during the Gaza invasion found

Israel culpable inter alia for a “direct and intentional strike” that killed three young men at an UNRWA school sheltering some 400 people; firing a “series of mortar shells” that struck the immediate vicinity of an UNRWA school, killing and injuring scores of people; a “grossly negligent” white phosphorus attack amounting to “recklessness” on the “hub and nerve center for all UNRWA operations in Gaza”; and a “highly negligent” white phosphorus attack amounting to “reckless disregard” on an UNRWA school sheltering some 2,000 people, killing two children and injuring 13. It also found that in one incident a U.N. warehouse was damaged by a Qassam-type rocket that “had most likely been fired from inside Gaza by Hamas or another Palestinian faction.” The Board of Inquiry concluded that “no military activity was carried out from within United Nations premises in any of the incidents”; that Israel “must have expected” that Palestinians would respond to the “ongoing attacks by seeking refuge within UNRWA premises, on the assumption that United Nations premises would be immune from attack”; and that Israel “continued” to make false allegations that Hamas militants had been firing from U.N. premises even “after it ought to have been known that they were untrue.”[85] Dismissing the U.N. report as “unfair and one-sided,” Israeli President Shimon Peres declared, “We will never accept it. It’s outrageous.” Defense Minister Barak alleged that an internal IDF investigation “irrefutably” belied the allegations, proving that “we have the most moral army in the world.”[86]

In addition to impeding humanitarian relief, Israel blocked medical assistance to Palestinians. Cordesman presented as fact the Israeli accusation that during the invasion Hamas “prevent[ed] medical evacuation of Palestinians to Israel,”[87] even though Hamas had no control over medical referrals to Israel.[88] Prior to the invasion Israel deprived ailing Gazans of access to medical care abroad and held them hostage to collaborating with Israeli intelligence in exchange for an exit permit.[89] While the official Israeli brief boasted that during the invasion many chronically ill patients left Gaza for treatment abroad,[90] human rights organizations reported that Israel created nearly insuperable obstacles to prevent these patients from accessing such treatment.[91] (Since the Israeli siege began in 2006 nearly 300 Gazans seeking health care have died because of the border closure.[92]) The normally discreet International Committee of the Red Cross issued a public reprimand to Israel after a “shocking incident” during the invasion in

which Israeli soldiers turned back a Red Cross rescue team dispatched to aid injured Palestinians, leaving them to die.[93] Cordesman insisted that Israel "coordinated the movement"[94] of ambulances, and the official Israeli brief highlighted that "a special medical coordination center was set up... which dealt with assistance to civilians in danger and with evacuation of the wounded and dead from areas of hostilities."[95] Neither mentioned that "even where coordination was arranged, soldiers reportedly fired at ambulances."[96] At least 258 Palestinians who died during the Gaza invasion did so after Israeli forces obstructed medical access to them.[97]
Cordesman alleged, without any evidence beyond that provided by Israeli press releases, that Hamas made "use of ambulances to mobilize terrorists."[98] As it happens, "the argument that Palestinians abused ambulances has been raised numerous times by Israeli officials..., although Israel has almost never presented evidence to prove it."[99] During the 2006 Lebanon War Israel targeted clearly marked Lebanese ambulances with missile fire, even though, according to HRW, there was "no basis for concluding that Hezbollah was making use of the ambulances for a militar y purpose."[100] In the course of Operation Cast Lead, direct or indirect Israeli attacks damaged or destroyed 29 ambulances and almost half of Gaza's 122 health facilities, including 15 hospitals. A total of 16 medical personnel were killed and a further 25 injured while on dut y.[101]
After the invasion Physicians for Human Rights-Israel documented Israeli attacks on medical crews, ambulances, and medical installations, as well as "countless obstacles" that Israel created "for the rescue teams in the field who attempted to evacuate trapped and injured persons." It did not find "any evidence supporting Israel's official claim that hospitals were used to conceal political or military personnel."[102] An independent team of medical experts commissioned by Physicians for Human RightsIsrael and the Palestinian Medical Relief Society produced a supplementary report containing copious evidence of Israel's denial of evacuation ("a number of patients died as a result of the delay in transportation to a medical institution"), attacks on rescue crews ("a number of ambulance personnel told their stories of repeated attacks on their ambulances over the last year"), and attacks on medical facilities. The report also noted that "the patterns of injuries, many of which were apparently caused by antipersonnel weapons, are characterized by a high proportion of maiming and

amputations, which will cause lifelong disabilities for many." The "underlying meaning of the attack on the Gaza Strip," the team of medical experts concluded, "appears to be one of creating terror without mercy to anyone."[103]

Whereas Israel contended that "Hamas systematically used medical facilities, vehicles, and uniforms as cover for terrorist operations," Amnesty reported that officials did not provide "evidence for even one such case" and Amnesty itself "found no evidence during its on-the-ground investigation that such practices, if they did occur, were widespread." The Goldstone Mission "did not find any evidence to support the allegations that hospital facilities were used by the Gaza authorities or by Palestinian armed groups to shield military activities or that ambulances were used to transport combatants or for other military purposes."[104] In its official brief Israel gave much space to defending its lethal assaults on ambulances and medical facilities. It alleged that Hamas made "extensive use of ambulances bearing the protective emblems of the Red Cross and Red Crescent to transport operatives and weaponry" and "use of ambulances to 'evacuate' terrorists from the battlefield." The only independent "proof" it could muster was the article by the Italian journalist who also reported that only several hundred Palestinians were killed during the assault on Gaza, and the testimony of one Palestinian ambulance driver who recounted that some Hamas militants attempted to commandeer his ambulance but did not succeed.

The Israeli brief goes so far as to allege that "the IDF refrained from attacking medical vehicles even in cases where Hamas and other terrorist organizations were using them for military purposes"—which causes one to wonder why the IDF repeatedly targeted ambulances not used for military purposes. Even Magen David Adom, Israel's national emergency medical, disaster, ambulance, and blood bank service, testified that "there was no use of PRCS [Palestinian Red Crescent Society] ambulances for the transport of weapons or ammunition." The Israeli brief further alleged that the IDF "refrained from attacking Shifa Hospital in Gaza City, despite Hamas's use of an entire ground floor wing as its headquarters during the Gaza Operation, out of concern for the inevitable harm to civilians also present in the hospital." Toeing the party line Benny Morris likewise declared that "the Hamas leaders sat out the campaign in the basement of Gaza's Shifa Hospital, gambling—correctly— that Israel would not bomb or storm a

hospital." The sole source for this allegation, apart from the ubiquitous Italian reporter, was the confession of a Palestinian detainee during "interrogation."[105] It is again cause for wonder why Israel did not target this hospital, where Hamas's senior leadership was allegedly ensconced, but did target many other Palestinian hospitals.

*

To justify the magnitude of the devastation, Israel and its defenders endeavored to depict the Gaza invasion as a genuine military contest. Cordesman delineated in ominous detail enhanced by tables, graphs, and figures the vast arsenal of rockets, mortars, air defense missiles, and other weapons that Hamas allegedly manufactured and smuggled in through tunnels (including "Iranian-made rockets" that could "strike at much of Southern Israel" and "hit key infrastructure"), and the "spider web of prepared strong points, underground and hidden shelters, and ambush points" Hamas allegedly constructed.[106] He reported that according to "Israeli senior officials" Hamas had 6,000–10,000 "core fighters."[107] He compared the "Gaza war" with the June 1967 war, the October 1973 war, and the summer 2006 war.[108] He expatiated on Israel's complex war plans and preparations, and he purported that Israel's victory was partly owing to its "high levels of secrecy"—as if the outcome would have been in doubt had Israel not benefited from the element of surprise.[109]

Similarly, in its brief the Israeli government asserted that Hamas had "amassed an extensive armed force of more than 20,000 armed operatives in Gaza," "obtained military supplies through a vast network of tunnels and clandestine arms shipments from Iran and Syria," and "acquired advanced weaponry, developed weapons of their own, and increased the range and lethality of their rockets." It included evidence of the sophisticated weaponry alleged to be found in Hamas's arsenal, such as the photograph of an ominous-looking "Hamas operative" in a ski mask firing a rudimentary machine gun—which is captioned as an "anti-aircraft machine gun."[110]

Nonetheless, even Cordesman was forced to acknowledge, if only indirectly, that what Israel fought was scarcely a war. He conceded that Hamas was a "weak non-state actor" whereas Israel possessed a massive armory of state-of-the-art weaponry; that the Israeli air force "faced limited threats from Hamas's primitive land-based air defense"; that "sustained ground fighting was limited"; that the Israeli army avoided engagements

where it “would be likely to suffer” significant casualties; and that “the IDF used night warfare for most combat operations because Hamas did not have the technology or training to fight at night.”[111]

Israel had shown that it could fight “an air campaign successfully in crowded urban areas,” according to Cordesman, and “an extended land battle against a non-state actor.”[112] But its air campaign was not a “fight” anymore than shooting fish in a barrel is a fight. As if to bring home this analogy, he quoted a senior Israeli air force officer: “the IAF had flown some 3,000 successful sorties over a small dense area during three weeks of fighting without a single accident or loss”—unsurprisingly, insofar as “the planes operated in an environment free of air defenses, enjoying complete aerial superiority.”[113] Neither did Israel “fight” a land battle. The other side was poorly equipped, barely present in the conflict zones, and engaged by Israeli forces only when it could not fight back.

Not all Israelis celebrated their country’s overwhelming victor y in this non-war. “It is very dangerous for the Israel Defense Forces to believe it won the war when there was no war,” a respected Israeli strategic analyst warned. “In reality, not a single battle was fought during the 22 days of fighting.”[114] The International Crisis Group reported that Hamas “for the most part avoided direct confrontations with Israeli troops,” and that “consequently, only a limited number of fighters were killed.” According to a former Israeli foreign ministr y official quoted by the Crisis Group, “There was no war. Hamas sat in its bunkers and came out when it was all over,” while one Israeli officer noted, “Not even light firearms were directed at us. One doesn’t see [Hamas] that much, they mostly hide.”[115]

The postinvasion testimonies of IDF soldiers repeatedly confirmed the near absence of an enemy in the field: “There was nothing there. Ghost towns. Except for some livestock, nothing moved”; “Most of the time it was boring. There were not really too many events”; “Some explosives are found in a house, weapons, significant stuff like that, but no real resistance”; “I did not see one single Arab the whole time we were there, that whole week”; “Everyone was disappointed about not engaging anyone”; “Usually we did not see a living soul. Except for our soldiers of course. Not a soul”; “Go ahead and ask soldiers how often they encountered combatants in Gaza— nothing”; “There was supposed to be a tiny resistance force upon entry, but there just wasn’t”; “Nearly no one ran into

the enemy. I know of two encounters during the whole operation. The soldiers, too, were disappointed for not having had any encounters with terrorists."[116]

The Goldstone Mission noted that it "received relatively few reports of actual crossfire between the Israeli armed forces and Palestinian armed groups."[117] The Palestinian resistance did not manage even to fully disable a single Israeli tank.[118] In his defense of IDF conduct during the Gaza invasion, Hebrew University professor of philosophy and New York University professor of law Moshe Halbertal pointed up the challenge facing an Israeli soldier who had to "decide whether the individual standing before him in jeans and sneakers is a combatant or not," and rationalized the number of Palestinian civilian deaths "under such conditions—Gaza is an extremely densely populated area."[119] But judging by the soldiers' testimonies the really daunting challenge in Gaza was not differentiating between friend and foe but encountering any foe: no battles occurred in densely populated or, for that matter, sparsely populated areas. In addition, most Palestinian victims "were not caught in the crossfire of battles between Palestinian militants and Israeli forces, nor were they shielding militants or other legitimate targets" (Amnesty).[120]

On the basis of extensive field research, nongovernmental organizations put the total number of Palestinians killed at nearly 1,400, of whom up to four-fifths were civilians and 350 children.[121] On the other side, total Israeli casualties amounted to ten combatants (four killed by friendly fire) and three civilians.[122] In its official brief Israel alleged that, were it not for its extensive warning and shelter system, "the human casualties from Hamas's bombardment undoubtedly would have been substantially greater."[123] It must be said that, were it not for the heroism of two UNRWA employees, Palestinian casualties would also have been much higher. Hundreds of Palestinians taking shelter in the UNRWA Headquarters Compound would have been killed if the employees had not prevented the white phosphorus that Israel dropped on it from reaching the fuel tanks.[124] It is also passing strange that the Hamas rocket attacks inflicted such negligible damage on Israeli civilian infrastructure if they were potentially so destructive. The ratio of total Palestinians to Israelis killed was more than 100:1, and of Palestinian to Israeli civilians killed as high as 400:1. Still, Israeli philosopher of professional ethics Asa Kasher declared, "I am deeply

impressed with the courage displayed by each and every one of the soldiers who participated in Operation Cast Lead and their commanders."[125] Eight Israeli soldiers were subsequently awarded medals for "heroism."[126]
When confronted by a BBC reporter who observed that Israel "imposed 100 times more casualties on Gaza in three weeks than they did on you," Interior Minister Sheetrit shot back: "That's the idea of the operation, what do you think?"[127]
A poll taken one month after the invasion ended found that two-thirds of Israeli Jews believed Operation Cast Lead should have continued until Hamas surrendered.[128] Israelis rued that the invasion's goals had not been reached because—in Gideon Lev y's paraphrase—"we didn't kill enough."[129] Eager for "round two," a member of Israel's regional council adjoining Gaza exhorted the military that next time they should "flatten Gaza into a parking lot, destroy them."[130]
The casualty figures attested not to a war but to a massacre—or, as Duncan Kennedy put it, they were "typical of a particular kind of 'police action' that Western colonial powers... have historically undertaken to convince resisting native populations that unless they stop resisting they will suffer unbearable death and deprivation."[131] Indeed, an Israeli soldier posted in the Gaza Strip later recollected how Operation Cast Lead was largely conducted by remote control. "It feels like hunting season has begun," he mused. "Sometimes it reminds me of a PlayStation [computer] game." "You feel like a child playing around with a magnifying glass," another remembered, "burning up ants."[132] The modus operandi of Operation Cast Lead pointed up the aptness of the soldiers' metaphors.
An HRW study homed in on Israel's "unlawful" use of white phosphorus in Gaza. Although it is used primarily to obscure military operations on the ground—white phosphorus ignites and burns on contact with oxygen, generating a dense white smoke—it can also be used as an incendiary weapon. When making contact with skin white phosphorus causes "horrific burns," sometimes to the bone, as it reaches temperatures of 1,500 degrees Fahrenheit (816 degrees Celsius). HRW concluded that Israel "repeatedly exploded white phosphorus munitions in the air over populated areas, killing and injuring civilians, and damaging civilian structures, including a school, a market, a humanitarian aid warehouse and a hospital," and that such use of white phosphorus "indicates the commission of war crimes." It

further found that, insofar as Israel wanted an obscurant for its forces, it could have used smoke shells (manufactured by an Israeli company); that Israel's persistent use of white phosphorus where no Israeli forces were present on the ground indicated it was being used as an incendiary weapon; that in its targeting of the UNRWA headquarters in Gaza City, which warehoused vast quantities of humanitarian food and medical supplies, the IDF "kept firing white phosphorus despite repeated warnings from U.N. personnel about the danger to civilians"; that Israel targeted the U.N.'s school in Beit Lahiya despite the fact that "the U.N. had provided the IDF with the GPS coordinates of the school prior to military operations"; and that Al-Quds Hospital, also a target, was "clearly marked and there does not appear to have been fighting in that immediate area." It deserves special emphasis that the U.S. manufactured "all of the white phosphorus shells" recovered by HRW in Gaza.[133]

The PlayStation-like nature of the massacre was underscored in another HRW study documenting Israel's high-tech assaults on Gaza's population. "Israel's drone-launched missiles," it reported, "are incredibly precise. In addition to the high-resolution cameras and other sensors on the drones themselves, the missile fired from a drone has its own cameras that allow the operator to observe the target from the moment of firing.... If a last-second doubt arises about a target, the drone operator can use the missile's remote guidance system to divert the fired missile, steering the missile away from the target with a joystick." In the six attacks killing 29 civilians (eight of them children) that it investigated, HRW found that no Palestinian fighters were "present in the immediate area of the attack at the time," and that five of the six attacks "took place during the day, when civilians were shopping, returning from school, or engaged in other ordinary activities, which they most likely would not have done had Palestinian fighters been in the area at the time."[134]

The devastation wrought on Gaza clearly went beyond the declared mission of eliminating "terrorists" and "terrorist infrastructure" or even collective punishment of Palestinian civilians. The systematic destruction of houses, schools, colleges, farms, mosques, and so on, which seemed to be aimed at making Gaza literally unlivable, raises the question, What was Israel really trying to do? In fact the massive destruction was both critical and integral to the success of Operation Cast Lead. The goal, according to Cordesman—and here the evidence, for a change, supports him—was to "restore Israeli

deterrence, and show the Hezbollah, Iran, and Syria that it was too dangerous to challenge Israel."[135] But Israel could not restore its deterrence by inflicting a military defeat because Hamas was manifestly not a military power. To quote Cordesman, it "is not clear that any opponent of Israel felt Hamas was really strong enough to be a serious test of Israeli ground forces."[136] Thus Israel could only reinstate the region's fear of it by demonstrating the amount of sheer destruction it was prepared to inflict. It "had [to] make its enemies feel it was 'crazy'" (Israeli official) and was ready to cause devastation on a "scale [that] is unpredictable" and heedless of "world opinion" (Cordesman).[137] In other words, and in direct contradiction of the official assertion that the use of force in Gaza was "proportional," Israel intentionally raised the level of destruction to a degree that was unpredictable, even insane.

The description is not exaggerated. As the invasion wound down Foreign Minister Livni declared that it had "restored Israel's deterrence... Hamas now understands that when you fire on [Israel's] citizens it responds by going wild—and this is a good thing." The day after the ceasefire she bragged that "Israel demonstrated real hooliganism during the course of the recent operation, which I demanded."[138] Later, Livni declared that she was "proud" of her decisions during the Gaza invasion and would "repeat" every one of them because they were "meant to restore Israel's deterrence and did restore Israel's deterrence."[139] A former Israeli defense official told the International Crisis Group that "with an armada of fighter planes attacking Gaza, Israel decided to play the role of a mad dog for the sake of future deterrence," while a former senior Israeli security official boasted to the Crisis Group that Israel had regained its deterrence because it "has shown Hamas, Iran and the region that it can be as lunatic as any of them."[140] In postinvasion testimony an IDF soldier mused that "there was no need for such intense fire, no need to use mortars, phosphorus ammunition.... The army was looking for the opportunity to hold a spectacular maneuver in order to show its muscle."[141]

After the invasion Israeli and American Jewish philosophers engaged the subtle moral quandaries supposedly prompted by Israel's conduct. Hawkish Philosopher A posited that Israel "should favor the lives of its own soldiers over the lives of the neighbors of a terrorist,"[142] while dovish Philosophers B and C rejoined that in the war against "terrorism" it did not suffice that

Israel was “not intending” to kill civilians, “its soldiers must... intend not to kill civilians.”[143]

It appears that both sides in this learned disputation on the right balance between preserving the life of a soldier and the life of an enemy civilian somehow missed the crux of what happened: upon invading, the IDF intentionally and indiscriminately blasted and reduced to rubble everything in sight. Thus, the Goldstone Report makes clear that a fine assessment of whether or not Israel properly applied the international humanitarian law principle of “proportionality” was beside the point because “deeds by the Israeli armed forces and words of military and political leaders prior to and during the operations indicate that, as a whole, they were premised on a deliberate policy of disproportionate force aimed not at the enemy but at the... civilian population.” The Report also makes clear that a fine assessment of whether or not Israel properly applied the international humanitarian law principle of “distinction” (between combatants and civilians) was beside the point because “the effective rules of engagement, standard operating procedures and instructions to the troops on the ground appear to have been framed in order to create an environment in which due regard for civilian lives and basic human dignity was replaced with disregard for basic international humanitarian law and human rights norms.”[144] While philosophers debated the correct interpretation of the laws of war and both sides tacitly imputed to Israel the honorable motive of wanting to obey them, in reality the premise of Israel’s assault on Gaza and the essential precondition for its success was the wholesale breach of these laws.

The cumulative evidence against the official and unofficial Israeli versions of Operation Cast Lead points to Israel’s criminal liability both in its decision to launch and its conduct during the Gaza invasion. Indeed, far from reckoning the death and destruction as “collateral damage,” the postinvasion reports of human rights organizations and the confessions of Israeli soldiers make clear that the goal of the Gaza invasion was precisely to demonstrate to Palestinians and neighboring states that Israel was ready, willing, and able to inflict disproportionate violence—what Israeli officials themselves called “mad” and “lunatic” levels of violence—on a civilian population.

OceanofPDF.com

4/ OF HUMAN SHIELDS AND HASBARA

A close look at Israeli actions during Operation Cast Lead sustains the conclusion that the massive death and destruction visited on Gaza were not an accidental byproduct of the invasion, but its barely concealed objective. To deflect culpability for this premeditated slaughter Israel persistently alleged that Palestinian casualties resulted from the use by Hamas of civilians as “human shields.” Indeed, throughout its attack Israel strove to manipulate perceptions by controlling press reports and otherwise tilting Western coverage in its favor. But the allegation that Hamas used civilians as human shields was not borne out by human rights investigations, while the gap between Israel’s claim that it did everything possible to avoid “collateral damage” and the hundreds of bodies of women and children dug out of the rubble is too vast to bridge.

To extenuate the horrors it inflicted on Gaza, Israel pointed to Hamas’s use of Palestinians as human shields and cited the incriminating confessions extracted from “operatives” under “interrogation.” Yet, in one of the most extensive postinvasion human rights reports Amnesty International found that the worst that could be said of Hamas was that it “launched rockets and located military equipment and positions near civilian homes, endangering the lives of the inhabitants by exposing them to the risk of Israeli attacks. They also used empty homes and properties as combat positions during armed confrontations with Israeli forces, exposing the inhabitants of nearby houses to the danger of attacks or of being caught in the crossfire.” Whereas Israel alleged that Hamas “chose to base its operations in civilian areas not in spite of, but because of, the likelihood of substantial harm to civilians,” and that “Hamas operatives took pride in endangering the lives of civilians,” Amnesty contrarily concluded that there was “no evidence that [Hamas] rockets were launched from residential houses or buildings while civilians were in these buildings”; that “Palestinian militants often used empty houses but... did not forcibly take over inhabited houses”; that Hamas “mixed with the civilian population, although this would be difficult to avoid in the small and overcrowded Gaza Strip”; and that “Palestinian fighters, like Israeli soldiers, engaged in armed confrontations around residential homes where civilians were present, endangering them. The locations of these confrontations were mostly determined by Israeli forces,

who entered Gaza with tanks and armored personnel carriers and took positions deep inside residential neighborhoods."
On the most explosive allegation, Amnesty categorically exonerated Hamas:

Contrary to repeated allegations by Israeli officials of the use of "human shields," Amnesty International found no evidence that Hamas or other Palestinian fighters directed the movement of civilians to shield military objectives from attacks. It found no evidence that Hamas or other armed groups forced residents to stay in or around buildings used by fighters, nor that fighters prevented residents from leaving buildings or areas which had been commandeered by militants.

...

Amnesty International delegates interviewed many Palestinians who complained about Hamas's conduct, and especially about Hamas's repression and attacks against their opponents, including killings, torture and arbitrary detentions, but did not receive any accounts of Hamas fighters having used them as "human shields." In the cases investigated by Amnesty International of civilians killed in Israeli attacks, the deaths could not be explained as resulting from the presence of fighters shielding among civilians, as the Israeli army generally contends. In all of the cases investigated by Amnesty International of families killed when their homes were bombed from the air by Israeli forces, for example, none of the houses struck was being used by armed groups for military activities. Similarly, in the cases of precision missiles or tank shells which killed civilians in their homes, no fighters were present in the houses that were struck and Amnesty International delegates found no indication that there had been any armed confrontations or other military activity in the immediate vicinity at the time of the attack.

According to Israel's official brief the rules of engagement of the Israel Defense Forces (IDF) during the Gaza assault strictly prohibited the "use of civilians as human shields" and "the IDF took a variety of measures to teach and instill awareness of these rules of engagement in commanders and soldiers." Nevertheless if Amnesty found no evidence that Hamas used human shields (and other postinvasion investigations echoed Amnesty's

conclusions), it did find that Israeli soldiers "used civilians, including children, as 'human shields,' endangering their lives by forcing them to remain in or near houses which they took over and used as military positions. Some were forced to carry out dangerous tasks such as inspecting properties or objects suspected of being booby-trapped. Soldiers also took position and launched attacks from and around inhabited houses, exposing local residents to the danger of attacks or of being caught in the crossfire." Other human rights investigations—in particular the graphic accounts in the Goldstone Report—and testimony of soldiers corroborated the IDF's use of human shields.[1]

Still, it was axiomatic for respected philosophers Avishai Margalit and Michael Walzer that although Israel's enemies "intentionally put civilians at risk by using them as cover, Israel condemns those practices."[2] In a book that "explores the myths and illusions" about the Middle East, Dennis Ross inveighed against Hamas because it used "the civilian population as human shields" and made "extensive use of human shields." He also reported in his "reality-based assessment" that Hamas "rejects the very idea of a two-state solution"; that it was Hamas that "chose to end" the June 2008 ceasefire (Israel's murderous 4 November border raid vanishes in his account); and that "an uneasy quiet was restored only after the IDF had destroyed nearly all Hamas military targets."[3] British colonel Richard Kemp, who was commander of British forces in Afghanistan, variously alleged that Hamas "deliberately positioned behind the human shield of the civilian population"; "ordered, forced when necessary, men, women and children from their own population to stay put in places they knew were about to be attacked by the IDF"; "deliberately [tried] to lure [the Israelis] into killing their own innocent civilians"; and—in a yet more colorful accusation—"of course" deployed "women and children" suicide bombers. These allegations bore equal relationship to reality as his ubiquitously quoted proclamation that "during Operation Cast Lead the IDF did more to safeguard the rights of civilians in a combat zone than any other Army in the history of warfare."[4] Pity the civilian population in his theater of operations.

As already indicated, the circumstances under which many Palestinians died underscored the untenability of Israel's alibi that the high civilian death count resulted from human shielding by Hamas. "The attacks that caused the greatest number of fatalities and injuries," Amnesty found in its postinvasion inquiry, were carried out with long-range high-precision

munitions fired from combat aircraft, helicopters and drones, or from tanks stationed up to several kilometers away—often against pre-selected targets, a process that would normally require approval from up the chain of command. The victims of these attacks were not caught in the crossfire of battles between Palestinian militants and Israeli forces, nor were they shielding militants or other legitimate targets. Many were killed when their homes were bombed while they slept. Others were going about their daily activities in their homes, sitting in their yard, hanging the laundry on the roof when they were targeted in air strikes or tank shelling. Children were studying or playing in their bedrooms or on the roof, or outside their homes, when they were struck by missiles or tank shells.[5]

It further found that Palestinian civilians, "including women and children, were shot at short range when posing no threat to the lives of the Israeli soldiers," and that "there was no fighting going on in their vicinity when they were shot."[6] A study by Human Rights Watch (HRW) documented Israel's killing of Palestinian civilians who "were trying to convey their non-combatant status by waving a white flag," and where "all available evidence indicates that Israeli forces had control of the areas in question, no fighting was taking place there at the time, and Palestinian fighters were not hiding among the civilians who were shot." In a typical incident "two women and three children from the Abd Rabbo family were standing for a few minutes outside their home—at least three of them holding pieces of white cloth—when an Israeli soldier opened fire, killing two girls, aged two and seven, and wounding the grandmother and third girl."[7] The official Israeli brief meanwhile proclaimed that because IDF soldiers adhere to "purity of arms" they do "not use their weapons and force to harm human beings who are not combatants or prisoners of war."[8]
The Goldstone Report concluded that "the Israeli armed forces repeatedly opened fire on civilians who were not taking part in the hostilities and who posed no threat to them," and that "Israeli armed forces had carried out direct intentional strikes against civilians" in the absence of "any grounds which could have reasonably induced the Israeli armed forces to assume that the civilians attacked were in fact taking a direct part in the hostilities."[9] The postinvasion testimonies of IDF soldiers corroborated this wanton killing of Palestinian civilians in an "atmosphere" where "the lives of Palestinians, let's say, is something very, very less important than the

lives of our soldiers": "You see people more or less running their life routine, taking a walk, stuff like that. Definitely not terrorists. I hear from other crews that they fired at people there. Tried to kill them"; "People didn't seem to be too upset about taking human lives"; "Everyone there is considered a terrorist"; "We were allowed to do anything we wanted. Who's to tell us not to?"; "I understood that conduct there had been somewhat savage. 'If you sight it, shoot it'"; "You are allowed to do anything you want... for no reason other than it's cool"—even firing white phosphorus "because it's fun. Cool."[10]

Unabashed and undeterred, the official Israeli brief still sang paeans to the IDF's unique respect for the "supreme value of human life," while in a New Yorker cover story on "what really happened" in Gaza, Lawrence Wright reported that "the Israeli military adopted painstaking efforts to spare civilian lives in Gaza." Wright also discovered while in Gaza that Palestinians felt a special affinity with an Israeli soldier captured by Hamas: "[Gilad] Shalit's pale features and meek expression haunt the imagination of Gazans. Though it may seem perverse, a powerful sense of identification has arisen between the shy soldier and the people whose government holds him hostage. Gazans see themselves as like Shalit: confined, mistreated, and despairing."[11] This resolves the mystery as to why one Gazan family after another has christened their newborn Gilad...

The charges and countercharges over the use of human shields were symptomatic of Israel's attempt to obfuscate what actually happened on the ground. In fact Israel began its hasbara (propaganda) preparations six months before the invasion was launched in December 2008 and a centralized body in the prime minister's office, the National Information Directorate, was specifically tasked with coordinating Israeli hasbara.[12] Nonetheless, Anthony H. Cordesman's diagnosis after world opinion turned against Israel was that it had not sufficiently invested in the "war of perceptions": Israel "did little to explain the steps it was taking to minimize civilian casualties and collateral damage on the world stage"; it "certainly could— and should—have done far more to show its level of military restraint and make it credible."[13] In the opinion of Haaretz.com Senior Editor Bradley Burston, the problem was that Israelis "are execrable at public relations," while according to respected Israeli political scientist Shlomo Avineri the world took a dim view of the Gaza invasion because of "the name given to the operation, which greatly affects the way in which it

will be perceived."[14]

But if the micromanaged PR blitz ultimately did not convince, the problem was not that Israel failed to convey adequately its humanitarian mission or that the whole world misperceived what happened. Rather, it was that the scope of the massacre was so appalling that no amount of propaganda could disguise it. This was especially true after the invasion was over when foreign reporters could no longer be barred on the specious pretexts Israel had concocted to impose "the most draconian press controls in the history of modern warfare"[15]— controls that "put the state of Israel in the company of a handful of regimes around the world which regularly keep journalists from doing their jobs" (Foreign Press Association) and that were "outrageous and should be condemned by the international community" (Reporters Without Borders).[16] More than a half year after the invasion Israel continued to obstruct the passage of human rights organizations such as Amnesty, HRW, and B'Tselem into Gaza. "If Israel has nothing to hide," HRW asked, "why is it refusing to allow us in?"[17]

Soon after the invasion ended, and to the chagrin of Cordesman and Israeli officialdom, several Israeli media outlets circulated the testimonies of combat pilots and infantry soldiers who either committed war crimes or witnessed them in Gaza. A few months later the Israeli organization Breaking the Silence published another compilation of damning IDF testimonies. In its official brief Israel reassuringly alleged that "Israel is an open and democratic society which fully respects the freedom of speech.... Information on possible misconduct of soldiers reaches the IDF authorities in various ways."[18] But after publication of the critical IDF testimonies the Israeli foreign ministry called on European governments that funded Breaking the Silence to terminate their support.[19]

Apart from official denials that carried little credibility—what would induce the soldiers to lie?[20]—the reaction to these IDF testimonies oscillated between shock and minimization.[21] Like the film character Captain Louis Renault, who was "shocked, shocked!" to discover that people were gambling in Casablanca, officials expressed disbelief that Israeli soldiers could have engaged in criminal conduct. But such behavior was "the natural continuation of the last nine years, when soldiers killed nearly 5,000 Palestinians, at least half of them innocent civilians, nearly 1,000 of them children and teenagers," Gideon Lev y observed, mocking the feigned

official consternation. “Everything the soldiers described from Gaza, everything, occurred during these blood-soaked years as if they were routine events.”

Israeli officials sought to minimize the PR damage of these confessions by asserting it was much ado about a few rotten apples. But such a pretense also lacked credibility. The criminal behavior of individual soldiers was the inexorable consequence and part and parcel of the criminal nature of the enterprise itself: to restore Israel’s deterrence capacity by using massive lethal force against a defenseless society. “These are not instances of ‘errant fire,’” Lev y continued, “but of deliberate fire resulting from an order.”[22] “The stories of this publication prove that we are not dealing with the failures of individual soldiers, and attest instead to failures in the application of values primarily on a systemic level,” the Israeli editors of the incriminating IDF testimonies observed. “The massive and unprecedented blow to the infrastructure and civilians of the Gaza Strip [was] a direct result of IDF policy.”[23] “Hundreds of civilians were not killed ‘by mistake’ or by a handful of ‘rotten apples,’” the Public Committee Against Torture in Israel concurred in its extensive study.[24] Partly on the basis of Israeli soldiers’ testimonies, the Goldstone Report concluded that “the repeated failure to distinguish between combatants and civilians appears... to have been the result of deliberate guidance issued to soldiers...

and not the result of occasional lapses,” and that “the outcome and the modalities of the operations indicate... that they were... to a large degree aimed at destroying or incapacitating civilian property and the means of subsistence of the civilian population.”[25]

No doubt some IDF soldiers exploited the occasion of the massacre to give free rein to their sadistic impulses while others were brutalized by the environment. Thus, IDF testimonies recalled “the hatred and the joy,” and “fun” and “delight” of killing Palestinians, the wreaking of destruction “for kicks” and to “make [oneself] happy.” And thus soldiers bantered, “I killed a terrorist, whoa.... We blew his head off”; “Fortunately the hospitals are full to capacity already, so people are dying more quickly”; and “He just couldn’t finish this operation without killing someone.”[26] But it was the criminal nature of the enterprise that enabled and unleashed these “excesses.” It was furthermore absurd to focus on sadism or, for that matter,

rowdy or uncouth behavior when the most egregious crimes were manifestly those executed in a disciplined, orderly fashion. One interlocutor of the confessing Israeli soldiers expressed disgust that they did not restore order and cleanliness in Palestinian homes they occupied: “That’s simply behaving like animals.... You are describing an army with very low value norms, that’s the truth.”[27] However he displayed much less unease over the fact that these pilots and infantrymen damaged and destroyed thousands of Palestinian homes and left 100,000 Palestinians homeless.

In a bid to pin culpability for the massacre on fundamentalist zealotry, other commentators latched onto soldier testimonies quoting the bigoted and incendiary statements of IDF rabbis and recruits from religious schools. The criminality was the work of “religious nationalists,” the New York Times’s Ethan Bronner suggested, who “have moved into more and more positions of military responsibility” and replaced the “secular, Western and educated” kibbutzniks who once dominated the army.[28] This explanation conveniently overlooked, however, that the criminal thrust of Operation Cast Lead—deploying, as one soldier after another after another testified, “insane” amounts of firepower[29]—was the brainchild of Defense Minister Ehud Barak and his secular cohorts, and that Israel had committed many a massacre long before religious zealots entered its military ranks.[30]

The IDF promised an investigation after the first round of soldier testimonies but closed its probe some ten days later, having concluded that these accounts of widespread illegal killings and destruction were just “rumors.”[31] A subsequent IDF “internal investigation” found that “no civilians were purposefully harmed by IDF troops during Operation Cast Lead.” Barak lauded the probe because it “once again proves that the IDF is one of the most moral armies in the world.” The official Israeli brief alleged that “Israel’s legal and judicial apparatus is fully equipped and motivated to address alleged violations of national or international law by its commanders and soldiers.” According to HRW, however, “the investigative results make clear that the Israeli military will not objectively monitor itself,” while Amnesty noted that “the army’s claims appear to be more an attempt to shirk its responsibilities than a genuine process to establish the truth.” The Goldstone Report concluded that “there are serious doubts about the willingness of Israel to carry out genuine investigations in an impartial, independent, prompt and effective way.”[32] It is emphatically untrue,

however, that no Israeli was punished for crimes committed during the Gaza invasion: one soldier was sentenced to prison time for stealing a Palestinian's credit card.[33]

As the human rights reports quoted here demonstrate, the brazenness of Israel's attack on Gaza and the barefacedness of Israel's attempt to spin public perceptions ultimately backfired. One important sign of the unintended consequences of Operation Cast Lead for Israel came in an unprecedented move by Amnesty International in the wake of the attack on Gaza. Among the human rights reports documenting the death and destruction, the Amnesty publication Fueling Conflict: Foreign arms supplies to Israel/Gaza merits special attention.[34] This landmark study called for a cessation of arms supplies to the parties to the conflict as well as the imposition by the United Nations of a comprehensive arms embargo: "Amnesty International is calling on the U.N., notably the Security Council, to impose an immediate, comprehensive arms embargo on all parties to the conflict, and on all states to take action individually to impose national embargoes on any arms or weapons transfers to the parties to the conflict until there is no longer a substantial risk that such arms or weapons could be used to commit serious violations of international law." Amnesty proceeded to inventory the foreign-manufactured weapons used by Israel during the Gaza invasion, such as the U.S.-made white phosphorus shells, tank ammunition, and guided missiles, as well as the scheduled U.S. arms deliveries to Israel just before and during the invasion. It reported that "the USA has been by far the major supplier of conventional arms to Israel"; that "the USA has provided large funding each year for Israel to procure arms despite U.S. legislation that restricts such aid to consistently gross human rights violators"; and that "Israel's military intervention in the Gaza Strip has been equipped to a large extent by U.S.-supplied weapons, munitions and military equipment paid for with U.S. taxpayers' money." The report also briefly inventoried the supply of foreign-made weapons to Palestinian armed groups ("on a very small scale compared to... Israel").

Amnesty's call for a comprehensive arms embargo on Israel and Palestinian armed groups marked a milestone in the Israel-Palestine conflict. Taking note that Israel used U.S.manufactured weapons when it committed violations of the laws of war, human rights organizations have in the past called on the U.S. to restrict both military assistance to Israel and Israel's use of specific weapons so long as it systematically violated the law.[35]

However, no human rights organization had ever produced such a detailed accounting of foreign weapons' suppliers to Israel or called so aggressively for a comprehensive arms embargo by these suppliers. Predictably, the Obama administration rejected Amnesty's call[36] and Amnesty came under attack from Abraham H. Foxman of the Anti-Defamation League for its "pernicious and biased report" that "is doing nothing short of denying Israel the right to self-defense."[37] It might be speculated that Amnesty's unprecedented call for an embargo reflected a broader revulsion at the Gaza massacre among the international community, not least among liberal American Jews. I will return to this point presently, but first I want to briefly report on my own trip to Gaza after the invasion.

OceanofPDF.com

5/ INSIDE GAZA

To preserve my sense of purpose, and keep the Palestine struggle from becoming a lifeless abstraction, I need periodically to recharge my moral batteries by reconnecting with the actual people living under occupation and by witnessing firsthand the unfolding tragedy. From each trip I invariably carry away a handful of stark images that I fix in my mind's eye to dispel the occasional hesitations about staying the course. When the memories begin to fade I know it is time to return.

And so, in June 2009, six months after the invasion, I joined a delegation that journeyed to Gaza for a brief visit. Though I had been to Gaza before, most of my time during previous trips to the region was spent with friends in the West Bank.[1] Israel has prohibited me from entering the country for ten years, thereby making it impossible for me to visit the West Bank, allegedly because I am a "security" risk. An editorial in Haaretz titled "Who's Afraid of Finkelstein?" cast doubt on the decision's premise —"Considering his unusual and extremely critical views, one cannot avoid the suspicion that refusing to allow him to enter Israel was a punishment rather than a precaution"—and went on to argue against banning me.[2] Nonetheless it is unclear if or when I will be able to see my Palestinian friends again. In the meantime, going to Gaza via Egypt at least enabled me to get some feeling for developments on the ground.

Having just spent several months perusing Mahatma Gandhi's collected works, and deeply inspired by his commitment to living the life of the impoverished masses, I had resolved to rough it in Gaza. But this was easier said than done. Along with several other delegates I volunteered to stay at a Palestinian family's home rather than a hotel. Dressed to the nines, hair gelled, and reeking of cologne, several Palestinian youths met our group to select their home-stays. They departed with first one young female member of our delegation, then another, then another. The only candidates left hanging at the end of the evening were middle-aged men. We checked into the hotel.

It would be untrue to say that I was terribly jolted by the devastation that I encountered everywhere in Gaza. During the first intifada I had passed time with families in the West Bank living in tents beside the rubble of their

former dwellings. Israel would routinely detonate the family residence of an alleged activist in the dead of night after giving the occupants just minutes to evacuate. Soon after the 2006 war I toured Lebanon. Many of the villages in the south had been flattened. The Dahiya district of Beirut resembled photographs from bombedout cities during World War II: large craters where apartment houses and offices once stood, the occasional shell of a building in the distance. So by now I have become somewhat inured to Israel's calling card to its Arab neighbors.

Nonetheless a few memories from that trip to Gaza remain etched in my mind with particular sharpness. I remember an 11-year-old girl peering out of thick-lensed glasses while she lingered beside the American International School that had been demolished. Speaking in perfect English (her father was a physician and her friends ranked her the top student in the class) the girl wistfully remembered that it had been the best school in Gaza. I also recall the evening we met with government officials in a tent beside what had previously been the Palestinian parliamentary building and was now just a pile of smoldering rubble. Although the devastation was apparently designed not just to subdue Hamas but also to humiliate it, the representatives seemed oblivious to any slight to their dignity from having to convene in such reduced circumstances. And I can still see the huge rectangular depression in the heart of the Islamic University campus where the science and technology building once stood. An administrator recalled with pride tinged by melancholy that, just prior to the attack, the university had installed cutting-edge equipment for biological research in the building.

No Palestinian I met evinced anger or sorrow at what happened. People appeared calmly determined to resume life, such as it was, before the invasion, although the continuing blockade plainly weighed heavily on them. A young hijab-clad guide sitting next to me on a bus one night casually mentioned that her fiancé had been killed on the last day of the invasion, and then punctuated her statement by staring, dry-eyed, into my pupils. It was neither an accusation nor an appeal for pity. It was as if Israel's periodic depredations were now experienced as a natural disaster to which people had grown accustomed; as if Gaza were situated in the path of tornadoes, except that in Gaza every season is tornado season. Some demented mind in an air-conditioned Tel Aviv office conjures up poetic names for its numberless "operations." Why not a little truth in advertising just this once and call them "Operation Attila the Hun," "Operation Genghis

Khan," or "Operation Army of Vandals"?

The female head administrator of a children's library housed in a magnificent edifice that would be the env y of any major city in the United States offered some painful reflections. (Watching the children hard at work in the library, I secretly breathed a sigh of relief that whether wittingly or by miracle Israel had not inflicted on it the same fate as the American International School's.) She was one of seven siblings all of whom had obtained advanced degrees, and, apart from her, had left for greener pastures abroad. She had studied in Great Britain but against her parents' recommendation decided to return to her home. She recalled questioning her decision when, on her way to work one day, Israeli soldiers forced her to wade waist-deep in mud to get past a checkpoint.

Our delegation consisted mostly of Americans. Originally I assumed that I was the only Jew on the delegation, but after making several discreet inquiries I began to wonder whether anyone on the delegation was not Jewish. So far as I could tell Gazans did not care much about our pedigrees, although, to my mortification, the rector at the Islamic University introduced me as a "Holocaust survivor." I politely corrected him: "tenurebattle survivor." Did I really look 90 years old?!

Hamas has a fearsome reputation, but it met its match with the feisty feminists leading our delegation. Among their complaints, forthrightly expressed, was that Hamas did not allow the delegation sufficient freedom of movement at night. Although Hamas eventually gave ground my sympathies went out to them, and not just because in these verbal bouts they appeared the underdogs. It is not as if Gaza had a lively nightlife. Furthermore, Israeli ships still fired on Gaza every night, and Hamas feared that Israel (or its Palestinian underlings) might create an incident to discredit it. It is also not as if Hamas's security concerns lacked plausibility: after all we were Americans, and U.S. intelligence agencies have been complicit in the repression of Hamas.

I had several meetings with Hamas officials and cadre. It was later conveyed to me that those I met were mostly from Hamas's "moderate" wing, although I cannot say exactly what distinguished them from members of the "hard-line" wing, and a lot of the speculation on this matter appears poorly informed. In his dispatch from Gaza the New Yorker's Lawrence Wright knowingly told readers that Gaza-based Hamas leader and Prime Minister Ismael Hanniya is a "moderate" who has "spoken of negotiating a

long-term truce with Israel," whereas Damascus-based head of the Hamas politburo Khalid Mishal is a "hard-liner" who is "more likely to initiate radical, destabilizing actions."[3] But Mishal, the "hard-liner," has repeatedly called for a diplomatic settlement with Israel.[4]

At each of the parleys with Hamas members I repeated the same message: the current diplomatic posture of Hamas seemed in alignment with representative political organizations, respected juridical institutions, and major human rights groups. Many Hamas members appeared genuinely surprised when I rattled off the "pro-Palestinian" positions espoused by these mainstream bodies. If I was correct, then Hamas should couch its political platform in their language because the chink in Israel's armor is its diplomatic isolation. Hamas must hammer away the critical point that Israel is the real outlier in the international community and obstacle to peace: not "Hamas says," but "the U.N. General Assembly resolution supported by 160 nations says"; not "Hamas says, but "the International Court of Justice says"; not "Hamas says" but "Human Rights Watch and Amnesty International say."

My interlocutors seemed earnest and willing to listen. (They even heard out in good humor the head of the delegation when she implored them to shave their "scary beards" to improve Hamas's image in the West.) Although Hamas sought to emulate Hezbollah's victory in 2006, after the massacre it perhaps sunk in that Israel cannot be defeated by shooting firecrackers and Roman candles at it. When I was leaving Gaza, U.S. President Barack Obama had just arrived in Cairo to deliver his landmark address. Hamas sent a letter to him partly informed by our conversations. (A copy of this letter can be found in the appendix.)

For most of the time in Gaza, our delegation was guarded by young Hamas militants. As we parted ways at the end of the visit I felt moved and obliged to state publicly that in my opinion none of them was deserving of the death Israel has attempted to inflict on them. I am aware that according to the "laws of war" they are "legitimate" military targets. But in a rational world the locution "laws of war" would make as much sense as "etiquette of cannibals." It is probably true that violent conflicts would be more lethal and destructive in the absence of these laws, but it is also true that, in their pretense of neutrality, they obscure fundamental truths. Whether from conviction, frustration, or torment, these young men have chosen to defend their homeland from foreign marauders with weapon in hand. Were I living

in Gaza, still in my prime and able to muster the courage, I could easily be one of them.

OceanofPDF.com

6/ EVER FEWER HOSANNAS

Public outrage at the Gaza invasion did not come out of the blue but rather marked the nadir of a curve plotting a steady decline in support for Israel. As polling data of Americans and Europeans, both Gentiles and Jews, suggest, the public has become increasingly critical of Israeli policy over the past decade. The horrific images of death and destruction broadcast around the world during and after the invasion accelerated this development. “The increased and brutal frequency of war in this volatile region has shifted international opinion,” the British Financial Times editorialized one year later, “reminding Israel it is not above the law. Israel can no longer dictate the terms of debate.”[1] One poll registering the fallout from the Gaza attack in the United States found that American voters calling themselves supporters of Israel plummeted from 69 percent before the attack to 49 percent in June 2009, while voters believing that the U.S. should support Israel dropped from 69 percent to 44 percent.[2]

Consumed by hate, emboldened by self-righteousness, and confident that it could control or intimidate public opinion, Israel carried on in Gaza as if it could get away with mass murder in broad daylight. But while official Western support for Israel held firm, the carnage set off an unprecedented wave of popular outrage throughout the world.[3] Whether it was because the assault came on the heels of the devastation Israel wrought in Lebanon, or because of Israel’s relentless persecution of the people of Gaza, or because of the sheer cowardice of the assault, the Gaza invasion appeared to mark a turning point in public opinion reminiscent of the international reaction to the 1960 Sharpeville massacre in apartheid South Africa.

In the Jewish diaspora official communal organizations with longstanding ties to Israel predictably lent blind support. But, at the same time, newly minted progressive Jewish organizations distanced themselves to a lesser or greater degree. Whereas in the past mainstream Jews actively supported Israeli wars, most registered ambivalence during the invasion, apart from a contracting older minority that came out swinging in Israel’s defense, and an expanding younger minority that scathingly denounced it. Between the increasing estrangement of younger Jews from Israeli bellicosity and the increasing qualms of Jews generally about supporting it, the Gaza massacre

signaled the break-up of hitherto blanket Jewish support for Israeli wars. In addition, whereas the antiwar demonstrations in most Western countries were ethnically heterogeneous (including significant numbers of Jews), the "pro"-Israeli demonstrations were composed almost exclusively of Jews. The fact that active opposition to Israeli policy, say, on college campuses, has spread beyond the Arab-Muslim core towards the mainstream, whereas active support for Israel has shrunk to a fraction of the ethnic Jewish core, is a telling indicator of where things are headed.

The era of the "beautiful" Israel has passed, it seems irrevocably, and the disfigured Israel that in recent years has replaced it in the public consciousness is a growing embarrassment. It is not so much that Israel's behavior is worse than it was before, but rather that the record of that behavior has, finally, caught up with it. The truth can no longer be denied or dismissed. The documentation of the Arab-Israeli conflict set out by respected historians fundamentally conflicts with the version popularized in the likes of Leon Uris's Exodus. The evidence of Israeli human rights violations compiled by respected mainstream organizations cannot be reconciled with its vaunted commitment to "purity of arms." The deliberations of respected judicial and political bodies cast severe doubt on Israel's avowed commitment to a peaceful resolution of the conflict.

For a long while Israel's "supporters" deflected the impact of this accumulating documentary record by wielding the twin swords of The Holocaust[4] and the "new anti-Semitism."[5]

It was purported that Jews could not be held to conventional moral/legal standards after the unique suffering they endured during World War II, and that criticism of Israeli policy was motivated by an ever-resurgent hatred of Jews. However, apart from the inevitable dulling that comes of overuse, these weapons proved much less efficacious once criticism of Israel broke into the mainstream of public opinion.

Unable to deflect criticism of Israel, apologists now conjure bizarre theories to account for its ostracism. Reaganomics guru George Gilder posits that a free-market system singularly unleashes human potential, and that under such a system Jews are and must be "represented disproportionately in the highest ranks" because they are the most gifted. Inversely, if Jews do not rule the roost, it must be because a less-than-ideal economic system holds sway. Anti-Semitism springs from resentment of "Jewish superiority and excellence" and "the manifest supremacy of Jews over all other ethnic

groups," while the hatred of Israel springs from the fact that it has evolved (under the inspired tutelage of Benjamin Netanyahu) into the perfect free-market system that "concentrates the genius of the Jews," making it "one of the world's leading capitalist powers" and the env y of the world: "Israel is hated above all for its virtues." If Jews figure prominently among critics of Israel, it is because they "excel so readily in all intellectual fields that they outperform all rivals in the arena of antiSemitism." The West in turn must preserve and protect Israelis from the "world of zero-sum chimeras and fantasies of jihadist revenge and death" and the "barbarian masses" because Jewish endowments have enabled humanity to "thrive and prosper": Jews are "crucial to the human race." Indeed, "if Israel is destroyed, capitalist Europe will likely die as well, and America, as the epitome of productive and creative capitalism spurred by Jews, will be in jeopardy"; "Israel is at the forefront of the next generation of technology and on the front lines of a new racial war against capitalism and Jewish individuality and genius"; "Just as free economies are necessary for the survival of the human population of the planet, the survival of the Jews is vital to the triumph of free economies. If Israel is quelled or destroyed, we will be succumbing to forces targeting capitalism and freedom everywhere."[6]

Across the Atlantic, Robin Shepherd, director of international affairs at the London-based Henry Jackson Society, asserts that Israel has come under strong criticism in the West not because of its human rights record but because it is a democratic, capitalist state fighting on the front lines alongside the U.S. against the "civilizational" threat posed by radical Islam: "Israel had become an enemy not because of anything it had done" but "because it was on the wrong side of the barricades." The "primary energizing platform in the West" for this "tidal wave of hysteria, deception and distortion against the Jewish state" consists of totalitarian Marxists and left-liberal fellowtravelers who, disappointed by the Western proletariat and Third World liberation struggles, have made common cause with "militant Islam" to destroy the liberal-capitalist world order. Although these critics of Israel are not anti-Semitic in the traditional "subjective" sense of despising Jews per se, they are guilty of "objective" anti-Semitism because Israel is so central to Jewish identity in the contemporary world. But opposition to Israel also emanates from ancien régime bluebloods who want to restore the old-world hierarchies before arriviste Jews disrupted them. This far-flung "neo-anti-Semitic" conspiracy embraces "most" of those who accuse Israel

of committing war crimes and otherwise violating international law. Thus, it is to be understood that behind the condemnation of Israel by Amnesty International and the International Court of Justice, Nobel peace laureates Jimmy Carter and Mairead Corrigan Maguire, the Financial Times and the BBC, lurks the evil hand of the radical leftist-fanatic Islamic-landed aristocratic nexus. For those who want to learn more, Shepherd "highly" recommends Alan M. Dershowitz's The Case for Israel.[7]

Although such explanations for Israel's isolation lack credibility, it cannot be doubted that Israel's stock has fallen precipitously. Whereas Israel won many adherents in the West after its lightning victory in June 1967,[8] in recent years it has been reduced almost to the status of a pariah state, especially in Europe. A 2003 poll of the European Union named Israel the biggest threat to world peace.[9] A 2008 survey of global opinion named Israel the biggest obstacle to achieving peace in the Israel-Palestine conflict.[10] In a BBC World Service poll taken on the eve of the Gaza invasion, fully 19 of the 21 countries surveyed held a predominantly negative view of Israel.[11]

Meanwhile, under the title "Second Thoughts about the Promised Land," the Economist reported in 2007 that although "most diaspora Jews still support Israel strongly . . . their ambivalence has grown."[12] Dissenting Jewish voices have begun to coalesce in Great Britain, Germany, and elsewhere, challenging the hegemony of official Jewish organizations that parrot Israeli propaganda.[13]

In the United States the overall picture and trends are perhaps not as pronounced but are no less noteworthy. Judging by poll data it can broadly be said that Americans have consistently viewed Israel favorably[14] and have sympathized much more with Israel than with the Palestinians.[15] But Americans also overwhelmingly support an evenhanded U.S. approach to the Israel-Palestine conflict, and most recently have expressed "equal levels of sympathy" for both sides,[16] while a substantial minority believe that U.S. policy tilts (or tilts too much) in favor of Israel[17]; a robust majority of Americans "think Israel is not doing its part well in making efforts to resolve the conflict"[18]; and Americans have occasionally supported the use of sanctions to rein in Israel.[19] Significantly, a majority of Americans have also supported a two-state settlement on the June 1967 borders, meaning

full Israeli withdrawal from the territories it occupied in the June war.[20] "Yes, the polls show strong support for Israel," M. J. Rosenberg, director of policy analysis for the Israel Policy Forum observed in 2007 apropos of recent trends; however, "that support for Israel, such as there is, is broad but it is not very deep."

This phenomenon can be seen almost every day in "Letters to the Editors" columns. Every time an op-ed about Israel appears, especially if it is critical, there are a slew of letters to the editor. Most support the Israeli position. And almost without exception, they are written by Jews. That vast majority [of non-Jewish Americans] out there which supposedly is so supportive of Israel virtually never chimes in.[21]

According to a 2007 poll by the Anti-Defamation League (ADL) the favorable opinion of Americans towards Israel is markedly less than their favorable opinion toward Great Britain and Japan, while roughly equal to their favorable opinion of India and Mexico. Nearly half of the respondents believe that the U.S. should work with "moderate" Arab states "even at the expense of Israel."[22] Half or more of Americans polled held Israel and Hezbollah equally to blame for the summer 2006 Lebanon War and supported a (more) neutral U.S. stance.[23] In addition, in recent years, influential religious constituencies such as the Presbyterian Church USA, the World Council of Churches, the United Church of Christ, and the United Methodist Church have all supported initiatives, including corporate divestment, to force an end to Israel's occupation.[24]
A 2005 survey by respected Jewish pollster Steven M. Cohen found that "the attachment of American Jews to Israel has weakened measurably in the last two years..., continuing a long-term trend."

Respondents were less likely than in comparable earlier surveys to say they care about Israel, talk about Israel with others or engage in a range of pro-Israel activities. Strikingly, there was no parallel decline in other measures of Jewish identification, including religious observance and communal affiliation. The survey found 26% who said they were "very" emotionally attached to Israel, compared with 31% who said so in a similar survey conducted in 2002. Some two-thirds, 65%, said they follow the news about

Israel closely, down from 74% in 2002, while 39% said they talk about Israel frequently with Jewish friends, down from 53% in 2002.

...

Israel also declined as a component in the respondents' personal Jewish identity. When offered a selection of factors, including religion, community and social justice, as well as "caring about Israel," and asked, "For you personally, how much does being Jewish involve each?," 48% said Israel matters "a lot," compared with 58% in 2002. Just 57% affirmed that "caring about Israel is a very important part of my being Jewish," compared with 73% in a similar survey in 1989.[25]

A 2007 American Jewish Committee poll found that 30 percent of Jews felt "fairly distant" or "very distant" from Israel. "In the long run," Cohen predicts "a polarization in American Jewry: a small group growing more pious and attached to Israel, while a larger one drifts away."[26]
A 2006 poll found that, among American Jews under 40, fully one-third felt "fairly distant" or "very distant" from Israel, while a 2007 poll found that among Jews under 35 fully 40 percent registered a "low attachment" to Israel (only 20 percent registered a "high attachment"). Astonishingly, less than half responded affirmatively that "Israel's destruction would be a personal tragedy."[27] The former chairman of the Jewish Agency recently sounded the alarm that "less than 24 percent of young Jews in North America belong to Jewish organizations. Less than 50 percent of North American Jews under the age of 35 feel a strong sense of belonging to the Jewish people. Less than 25 percent of North American Jews under age 35 define themselves as Zionists."[28] On the nation's campuses support for Israel is confined not only to Jewish students but also mostly to the Zionist faithful gathered in the Hillels. "Jewish college students are clearly less attached to Israel than in previous generations," a study commissioned by Jewish advocacy organizations reports. "Israel is losing the battle for the hearts and minds of this cohort."[29] Indeed, of the nearly half million Jewish students attending institutions of higher education, "only about five percent have any connection to the Jewish community."[30]
Ambivalence towards Israel verging on disaffection can also be discerned among influential sectors of American society, the bellwethers of U.S.

intellectual life, and the reading public. A recent poll found that a majority of opinion leaders in the U.S. view support for Israel as a “major reason for discontent with the U.S.” around the world.[31] In a 2003 New York Review of Books essay, noted Jewish historian Tony Judt asserted that “Israel today is bad for the Jews” and he doubted both the viability and desirability of a Jewish state.[32] John J. Mearsheimer of the University of Chicago and Stephen M. Walt of the Harvard Kennedy School coauthored an influential paper in 2006 debunking the idealized image of Israel’s history and asserting that Israel has become a “strategic liability” for the United States.[33]

A book by former U.S. president Jimmy Carter, provocatively titled Palestine Peace Not Apartheid, deplored Israeli policy in the Occupied Palestinian Territory and put the blame for the impasse in the peace process squarely on Israel.[34]

Although the Israel lobby launched vitriolic counterattacks to these interventions, its usual smears alleging antiSemitism and Holocaust denial did not adhere. When in 2006 the lobby’s pressures led to cancellation of one of Tony Judt’s speaking engagements, he became an instant cause célèbre in American intellectual circles.[35] His critics, such as Abraham H. Foxman of the ADL, were derided for “slinging the dread charge of anti-Semitism” and for being an “anachronism.”[36] Carter, meanwhile, was said to be a plagiarist, in the pay of Arab sheikhs, an anti-Semite, an apologist for terrorism, a Nazi sympathizer,[37] and a borderline Holocaust denier.[38] Yet his book landed on the New York Times bestseller list and remained there for months, selling an estimated 300,000 copies in hardback. Although snubbed by Brandeis University’s president, Carter still received standing ovations from the student body when he came to speak at the historically Jewish institution. (Half the audience walked out when Harvard law professor Alan M.

Dershowitz rose to answer Carter.)[39] Mearsheimer and Walt negotiated a book deal with the prestigious publishing house Farrar, Straus and Giroux, and their book, The Israel Lobby and U.S. Foreign Policy, also went on to become a Times bestseller.[40]

It is further testament to Israel’s waning fortunes that, during Prime Minister Ehud Olmert’s term of office, even Foxman and perennial Israel supporter Elie Wiesel took to publicly rebuking Israel for its failure to

pursue peace.[41]

The simmering public discontent with Israeli policy in recent years reached a boiling point of indignation during the Gaza invasion. Despite Israel's carefully orchestrated propaganda blitz; despite the overwhelmingly "pro"-Israel bias of mainstream media coverage, especially during the first few days of the attack[42]; and despite official support in the West for the assault —despite all this, large popular protests throughout Western Europe (Spain, Italy, Germany, France, and Great Britain) dwarfed in size demonstrations supporting Israel.[43] A wave of student occupations swept across Great Britain including Oxford, Cambridge, Manchester, Birmingham, London School of Economics, School of Oriental and Asian Studies, Warwick, King's, Sussex, and Cardiff.

Even in traditional bastions of support for Israel such as Canada, where the "pro"-Israel bias of the extreme right-wing political establishment and media is unusually intense,[44] a plurality of public opinion disapproved of the assault and the Canadian Union of Public Employees passed a motion calling for an academic boycott of Israel.[45] Declaring after the ceasefire that "the events in Gaza have shocked us to the core," a 16-strong group of the world's most experienced investigators and judges—including Antonio Cassese (First President and Judge of the International Criminal Tribunal for the former Yugoslavia and Head of the U.N. Inquiry on Darfur) and Richard Goldstone (Chief Prosecutor of the International Criminal Tribunal for the former Yugoslavia and for Rwanda and Chairman of the U.N. Inquiry on Kosovo)—called for an "international investigation of gross violations of the laws of war, committed by all parties to the Gaza conflict."[46]

Unsurprisingly Israel's apologists attributed the widespread outrage at the Gaza invasion to anti-Semitism.[47] It might be posited as a general rule that the lower the depths to which Israel's criminal conduct sinks the higher the decibel level of the shrieks of anti-Semitism. Jews are confronting "an epidemic, a pandemic of anti-Semitism," Abraham H. Foxman declared. "This is the worst, the most intense, the most global it's been in most of our recent memories."[48] Such fear mongering was nothing new from Foxman, who had portended back in 2003 that anti-Semitism was posing "as great a threat to the safety and security of the Jewish people as the one we faced in the 1930s."[49]

Just as in the past,[50] poll data used to substantiate these exaggerations tallied “indicators” of “the most pernicious notions of anti-Semitism,” such as the finding that “large portions of the European public continue to believe that Jews still talk too much about what happened to them in the Holocaust.”[51] According to Parisian media philosopher BernardHenri Lév y, anyone doubting that the Nazi holocaust was a “moral watershed in human history” should be reckoned an anti-Semite.[52] Few of the alleged anti-Semitic incidents in Europe went beyond merely unpleasant manifestations, such as emails and graffiti,[53] while European anti-Semitism, notwithstanding the hype, paled beside anti-Muslim bias. (A rise in animus towards Jews and Muslims—in recent years the two curves tend to correlate—appears partly due to a resurgence of ethnocentrism among older, less educated, and politically conservative Europeans.)[54]

Nonetheless it is most probably true that the execution by a self-proclaimed Jewish state of consecutive murderous rampages in Lebanon and Gaza, and the vocal support lent these rampages by official Jewish organizations around the world, caused a regrettable—if entirely predictable—“spillover”[55] whereby Jews generally were in some quarters held culpable. If, as the Israeli Coordination Forum for Countering Anti-Semitism asserted, there was “a sharp rise in the number and intensity of anti-Semitic incidents” during the Gaza massacre; and if “with the ceasefire there has... been a marked decline in the number and intensity of anti-Semitic incidents”; and if “another flare-up in the region, similar to the Gaza operation, will probably lead to an even more severe outbreak of anti-Semitic activity against communities worldwide,” then an efficacious method to fight anti-Semitism would appear to be for Israel to stop committing massacres.[56]

It is also true that the growing gap between official support of Israeli war mongering and popular revulsion against it might feed anti-Semitic conspiracy theories. In Germany for example the political establishment and mainstream media do not brook any criticism of Israel[57] because of the “special relationship” growing out of Germany’s “historic responsibility,” and Chancellor Angela Merkel surpassed other European leaders in her embrace of Israel during the Gaza invasion. Yet recent polls have shown that 60 percent of Germans reject the notion of a special German obligation to Israel (70 percent of young people reject it), 50 percent believe that Israel

is an aggressive country, and 60 percent believe that it pursues its interests ruthlessly.[58] More generally, Gideon Lev y recalled “the surreal scene at the height of the brutal assault on Gaza when the heads of the European Union came to Israel and dined with the prime minister in a show of unilateral support for the side wreaking the killing and destruction.”[59] And although it was Israel that broke the ceasefire and launched the invasion, European leaders parleyed with the U.S. (and Canada) on how to thwart rearmament not of the perpetrators but of the victims.[60] It is only a matter of time before Europeans begin to wonder—if they haven’t already—at whose behest their foreign policy is being made.

The ascription of popular Gentile outrage over the Gaza massacre to anti-Semitism appeared all the more preposterous in the face of widespread and vocal Jewish dissent. Whereas established communal Jewish organizations issued statements supporting Israel, ad hoc Jewish organizations and petitions deploring the invasion proliferated.[61] Most significantly, Jews prominent in communal Jewish life criticized Israel, albeit mostly in muted language.[62] As Israel stood poised to launch the ground offensive after a week of aerial attacks, a group of Britain’s most distinguished Jews, describing themselves as “profound and passionate supporters” of Israel, expressed “horror” at the “increasing loss of life on both sides” and called on Israel to cease its military operations in Gaza immediately.[63]

On a more acerbic note, British MP and former shadow foreign minister Gerald Kaufman declared during a House of Commons debate on Gaza, “My grandmother was ill in bed when the Nazis came to her home town of Staszow. A German soldier shot her dead in her bed. My grandmother did not die to provide cover for Israeli soldiers murdering Palestinian grandmothers in Gaza.” He went on to indict the Israeli government for having “ruthlessly and cynically exploit[ed] the continuing guilt among Gentiles over the slaughter of Jews in the holocaust as justification for their murder of Palestinians.”[64]

Meanwhile in France the popular Jewish writer Jean-Moïse Braitberg called on the Israeli president to remove his grandfather’s name from the memorial at Yad Vashem dedicated to victims of the Nazi holocaust “so that it can no longer be used to justify the horror which is visited on the Palestinians.”[65] In Germany Evelyn Hecht-Galinski, daughter of a former president of the Central Council of Jews in Germany, wrote, “Not the

elected Hamas government, but the brutal occupier . . . belongs in the dock at the Hague," while the German section of European Jews for a Just Peace issued a statement headlined "German Jews Say NO to Israeli Army Killings."[66] In Canada eight Jewish women occupying the Israeli consulate called on "all Jews to speak out against this massacre," and celebrated Canadian pianist Anton Kuerti declared, "The unbelievable war crimes that Israel is committing in Gaza... make me ashamed to be a Jew."[67] In Australia two award-winning novelists and a former federal cabinet minister signed a statement by Jews condemning Israel's "grossly disproportionate assault."[68]

The Bush administration and the U.S. Congress lent unqualified support to Israel during the invasion. A resolution laying full culpability on Hamas for the resulting death and destruction passed unanimously in the Senate and 390 to 5 in the House.[69] Much of the mainstream media in the U.S. likewise shamelessly toed the Israeli party line. "By New Year's Day, Israel's cheering squad had turned the opinion pages of major American newspapers into their own personal romper room," blogger Max Blumenthal observed. "Of all the editorial contributions published by the Washington Post, the Wall Street Journal, and the New York Times since the Israeli war on Gaza began,... only one offered a skeptical view of the assault."[70]

The New York Times's conception of op-ed balance was achieved by juxtaposing Jeffrey Goldberg's reverie on the unregenerate evil of Hamas[71] with Thomas Friedman's counsel to Israel that it inflict "heav y pain on the Gaza population."[72] Its hometown rival the New York Daily News ran an op-ed by Rabbi Marvin Hier that urged world leaders "not... to rebuild Gaza again"

even though "many civilians will suffer" because "terrorists and those who support them are not entitled to receive VIP booty for their inhumanity, misdeeds and silence."[73] Hier is the founder and dean of the Simon Wiesenthal Center and its Museum of Tolerance. In the midst of this lynch-mob atmosphere even human rights organizations such as Human Rights Watch reserved their strongest condemnations for Hamas.[74]

These venomous elite outpourings notwithstanding, public opinion polls showed that, although harshly critical of Hamas, only about 40 percent of Americans approved of the Israeli attack, while among those voting

Democratic (the party affiliation of most Jews) approval dropped to 30 percent.[75] In a dramatic display of independence reminiscent of Jimmy Carter's authorship of Palestine Peace Not Apartheid, liberal icon Bill Moyers rebuked Israel on his popular public affairs program Bill Moyers Journal, albeit in a context that also took Hamas to task: "By killing indiscriminately the elderly, kids, entire families, by destroying schools and hospitals, Israel did exactly what terrorists do." Like Carter, Moyers immediately came under fire from Abraham H. Foxman, who accused him of "racism, historical revisionism and indifference to terrorism," and Harvard law professor Alan M. Dershowitz who decried Moyers's "false moral equivalence" between Hamas terrorism and the Israeli army that "inadvertently kill[s] some Palestinian civilians who are used as human shields by Hamas." But again like Carter, Moyers managed to stand his ground and, as fellow liberals rose to his defense, to emerge unscathed after the fusillade of slanders.[76]

As the Gaza invasion unfolded, and the shocking images of the carnage transmitted live by Al-Jazeera could no longer be ignored, cracks started appearing in the moderate mainstream. Under the ominous title "Time Running Out for a TwoState Solution?," the most-watched U.S. news broadcast 60 Minutes aired a devastating segment on Jewish settlers in the West Bank, which included a harrowing scene of "Arabs [who] are occupied inside their own homes" by Israeli soldiers.[77] The right-wing editorial page of the Wall Street Journal ran a piece by law professor George E. Bisharat under the headline "Israel Is Committing War Crimes."[78]

The normally staid New York Times columnist Roger Cohen confessed in a pair of columns to being "shamed by Israeli actions." In the second piece Cohen speculated that "Israel's continued expansion of settlements, Gaza blockade, West Bank walling-in and wanton recourse to high-tech force" was "designed precisely to bludgeon, undermine and humiliate the Palestinian people until their dreams of statehood and dignity evaporate."[79] Former editor of the New Republic and influential conservative blogger Andrew Sullivan judged that the Israeli attack was "far from a close call morally.... This is an extremely one-sided war," and he labeled "thugs" the rightwing Jewish apologists for "the terrible human carnage now being inflicted by Israel (and paid for in part by Americans)."[80]

Philip Slater, author of the classic sociological study The Pursuit of Loneliness, declared, “The Gaza Strip is little more than a large Israeli concentration camp, in which Palestinians are attacked at will, starved of food, fuel, energy—even deprived of hospital supplies.... It would be difficult to have any respect for them if they didn’t fire a few rockets back.”[81]

Meanwhile the City Council of Cambridge, Massachusetts, a liberal enclave and home to Harvard University, adopted a resolution “condemning the attacks [on] and invasion of Gaza by the Israeli military and the rocket attacks upon the people of Israel,”[82] and a group of American university professors launched a national campaign calling for an academic and cultural boycott of Israel.[83]

A poll of American Jews found that 47% strongly approved of the Israeli assault, but—in a sharp break with the usual wallto-wall solidarity—53% were either ambivalent (44% “somewhat” approved or “somewhat” disapproved) or strongly disapproved (9%).[84] Seasoned observers of the American Jewish community pointed to a “post-Gaza sea change.” Apart from “the more conservative segment of the pro-Israel community,” M. J. Rosenberg of the Israel Policy Forum noted, “there was little show of support for this war. In New York, a city where crowds of 250,000 have come out for ‘solidarity’ rallies in the past, only 8,000 came to Manhattan for a community demonstration on a sunny Sunday.”[85]

In a public clash with the traditional Jewish leadership, mainstream if less-established Jewish organizations such as J Street staked out a middle ground that “recognize[d] that neither Israelis nor Palestinians have a monopoly on right or wrong,” and called for “shedding a narrow us-versus-them approach to the Middle East.”[86] Founded in 2008, J Street projects itself as a liberal counterweight to the American Israel Public Affairs Committee (AIPAC). It is too soon to predict whether J Street—which currently hews to a vaguely progressive political agenda, although it also defines itself as “closest” to Kadima, the Israeli political party headed by Tzipi Livni— will calcify into a “loyal opposition” or escalate its criticism of Israeli policy as the gulf dividing American Jewry from Israel widens.[87] Meanwhile “American Jews for a Just Peace” circulated a petition calling on “Israeli Soldiers to Stop War Crimes,” “Jews Say No” demonstrated outside the World Zionist Organization and Jewish Agency offices, and

“Jews against the Occupation” dropped a banner over New York City’s West Side Highway declaring “Jews Say: End Israel’s War on Gaza NOW!”[88]

In the liberal Jewish intellectual milieu only perennial apologists for Israel, most of whom came on board right after the June 1967 war and are now in their 70s, ventured a full-throated defense of the invasion. It was obvious to moral philosopher Michael Walzer that Israel had exhausted nonviolent options before it attacked and that Hamas bore responsibility for the ensuing civilian deaths. To Walzer the only “hard question” was whether Israel did all it possibly could to reduce these casualties.[89] It was obvious to Alan M. Dershowitz that Israel made “its best efforts to avoid killing civilians” and that it failed because Hamas pursued a “dead baby” strategy of forcing Israel to kill Palestinian children in order to garner international sympathy.[90] It was obvious to New Republic editor Martin Peretz from his scrutiny of the Palestinians’ footwear that the Israeli blockade of Gaza was benign: “You have to look closely at the sneakers, seemingly new and, of course, costly.”[91] It was obvious to writer Paul Berman that if a “possibility” exists that Hamas might threaten Israel someday in the future with genocide “if Hamas were allowed to prosper unimpeded, and if its allies and fellow-thinkers in Hezbollah and the Iranian government and its nuclear program likewise prospered,” then Israel would have the right to launch an attack now.[92] On such an accumulation of hypotheticals stacked on conditionals, it is hard to conceive what country in the world would be safe from arbitrary attack, and what country would not be justified in arbitrarily launching an attack.

If, apart from this coterie of robust Israel defenders, Jewish liberals recognized that the Israeli onslaught was morally problematic, they could not yet abide their dirty laundry being aired in front of the goyim. Magazines and journals of opinion pitched to the upscale and urbane Jewish public such as the New Yorker and the New York Review of Books accordingly sat out the Gaza massacre.[93] However, one influential contingent of liberal Jewish public intellectuals did not stay silent: the new generation of liberal Jewish bloggers and regular contributors to liberal-Democratic web sites such as Salon.com and the Huffington Post. Less in thrall to establishment Jewish editors, advertisers, funders, and social networks, speaking as and for a generation that came of age when to a large

degree Zionist mythology had been dispelled and displaced by sober historical research, when the Israeli political establishment had grown squalid and reactionary, when Israel's human rights record had been subjected to piercing scrutiny by the human rights community, and when Holocaust-induced paranoia and anti-Semitism-mongering palpably collided with the quotidian reality of triumphant Jewish assimilation everywhere from the Ivy League to Wall Street, from Hollywood to Washington, and from the country club to the marriage altar—professionally, mentally, and emotionally emancipated from the shackles of the past, these Jewish habitués of the blogosphere went on the offensive denouncing the Gaza invasion from its inception. The symbolism could scarcely be missed. Whereas diehard apologists for Israel such as Walzer, Dershowitz, and Peretz climbed aboard the Zionist ship while in their youths, the generation of youthful Jewish public intellectuals now making their names on the Internet has been jumping off it.[94] "I pity them their hatred of their inheritance," Peretz hissed. "They are pip-squeaks."[95]

Here are the pip-squeaks in their own words. Ezra Klein (age 25; blogger for American Prospect) posted on Day 2 of the invasion, "The rocket attacks were undoubtedly 'deeply disturbing' to Israelis. But so too are the checkpoints, the road closures, the restricted movement, the terrible joblessness, the unflinching oppression, the daily humiliations, the illegal settlement—I'm sorry, 'outpost'—construction 'deeply disturbing' to the Palestinians, and far more injurious. And the 300 dead Palestinians should be disturbing to us all."[96]

Adam Horowitz (age 35; blogger for Mondoweiss) posted on Day 4 in response to Benny Morris's op-ed in the New York Times, "It is clear he can only see the reactions, but not the cause. He lists the responses to Israel and to Israel's ongoing Jewish colonization of historic Palestine, without mentioning the elephant in the room, that the walls closing in on Israel are all self-made."[97]

Matthew Yglesias (age 28; blogger for Think Progress) posted on Day 6, "While Israel has stated a desire to leave the Gaza Palestinians alone in their tiny, overcrowded, economically unviable enclave, the [2005] 'disengagement' from Gaza has never entailed letting Palestinians control their borders or exercise meaningful sovereignty over the area. The proposal has basically been that if Palestinians cease violence against Israel,

then the Gaza Strip will be treated like an Indian reservation."[98]
Dana Goldstein (age 24; blogger for American Prospect) posted on Day 12, "I want to believe that the collective, historical experience of Jewishness and Zionism leads to something better—something more humane—than what we've witnessed in the Middle East this past week."[99]
Glenn Greenwald (age 42; blogger for Salon.com) posted on Day 13, "This is not so much of a war as it is a completely one-sided massacre," and on 30 January 2009, "It's just not possible to make real progress in the domestic aims of restoring the Constitution and reversing our military and intelligence expansions if we are simultaneously enabling and blindly supporting Israel's various wars (and therefore dragging ourselves into those wars)."
On 20 February 2009 Greenwald responded to an insinuation by Jeffrey Goldberg that he was a Jew-hating Israelbasher, "People like Jeffrey Goldberg... have so abused, overused, manipulated and exploited the 'anti-Semitism' and 'anti-Israel' accusations for improper and nakedly political ends that those terms have become drained of their meaning, have almost entirely lost their sting, and have become trivialized virtually to the point of caricature.... Indeed, people like Goldberg are becoming extra rancid and reckless in their rhetoric precisely because they know that these rhetorical devices have ceased working." "There is a definite sea change when it comes to American policy debates toward Israel," Greenwald concluded. "They no longer possess the ability to stifle dissent through thuggish intimidation tactics and they know that, which is why they can now do nothing but turn up the volume on their name-calling attacks. The Israeli devastation of Gaza and its trapped, defenseless civilian population—using American bombs, arms, money and diplomatic cover—was so brutal and horrific to watch that it inevitably changed the way people view that Middle East conflict."[100] Soon after the Gaza invasion ended, the phalanx of liberal Jewish bloggers again went titfor-tat with the Israel lobby when the lobby sought to block the Obama administration's appointment of Chas Freeman, an official critical of Israeli policy.[101]
Another straw in the wind was a sketch titled "Strip Maul"
that aired on the Comedy Channel's Daily Show on 5 January 2009. The host of the program, comedian Jon Stewart, is Jewish and has a huge following among young people. To roars of approval from the studio audience, he ridiculed the numbingly unanimous and cliché-ridden support

for Israel among politicians ("It's the Möbius strip of issues—there's only one side!"); adverted to "the soul-crushing segmentation and blockading of Gaza"; and likened a Palestinian's plight to forcing someone "to live in my hallway and make him go through checkpoints every time he has to take a s**t."[102]

The generational metamorphosis regarding Israel was most evident on college campuses. "A shift toward more visible pro-Palestinian or anti-Israel sentiment has been profound on some campuses," Inside Higher Ed reported, "prompted, in part, by the winter war in Gaza."[103] Large halls filled to overflow for lectures deploring the Gaza massacre. Whereas "pro"Israel groups used to protest inside or outside such lectures, they were now barely seen. Students at Cornell University lined pathways with 1,300 black flags commemorating the dead in Gaza. (The display was later vandalized.) Students at University of Rochester, University of Massachusetts, New York University, Columbia University, Haverford College, Bryn Mawr College, and Hampshire College held petition drives, protests, and sit-ins demanding financial support for Palestinian students and divestment from arms companies and companies doing business with the illegal Jewish settlements. Hampshire College students successfully pressured the college's trustees to divest from American corporations that directly profit from the occupation.

Although "pro"-Israel organizations alleged that "college and university campuses... have become hotbeds of a virulent new strain of anti-Semitism,"[104] at many campuses Jewish students have played a leading role on the local "Students for Justice in Palestine" committees, and creative and dedicated young Jewish activists in Birthright Unplugged and Anarchists Against the Wall, alongside individuals such as Anna Baltzer, author of the memoir Witness in Palestine,[105] have gone from school to school offering personal testimony on the daily horrors unfolding in Palestine. The bonds of solidarity being forged between young Jews and Muslims opposing the occupation—the core group on many campuses consists of secular Jewish radicals and observant Muslim women—give reason for hope that a just and lasting peace may yet be achieved.

*

After speaking on the Gaza massacre at a Canadian university, the sponsors presented me with a button reading "I ♥ GAZA." I pinned the button to my backpack and headed for the airport. As I stood on the queue to board the

plane, a passenger behind me whispered in my ear “I like your button.” Hmm, I thought, the times they are a-changing. A couple of hours later I asked the airline attendant for a cup of water. Handing me the cup he leaned over and whispered “I like your button.” Hmm, I thought, there’s something happening here.

OceanofPDF.com

EPILOGUE

People should know who has committed what crimes. This will show what is the truth and what is the untruth and the poison will come to the surface. Just now people only make guesses while the poison works within.
Mahatma Gandhi (14 April 1947)[1]

In April 2009 the president of the United Nations Human Rights Council (UNHRC) appointed a "fact finding mission" to "investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after."[2] Richard Goldstone, former judge of the Constitutional Court of South Africa and former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, was named head of the Mission. The Mission's original mandate was to scrutinize only Israeli violations of human rights during the assault on Gaza, but Goldstone made his acceptance of the job conditional on broadening the mandate to include violations on all sides. The council president invited Goldstone to write the mandate himself, which Goldstone did and which the president then accepted. "It was very difficult to refuse...a mandate that I'd written for myself," Goldstone later observed.

Nonetheless Israel did not cooperate with the Mission on the grounds of its alleged bias.[3] In September 2009 the longawaited report of the Goldstone Mission was released.[4] It was a searing indictment not just of the Gaza invasion but also of the ongoing Israeli occupation.

The Goldstone Report found that much of the death and destruction Israel inflicted on the civilian population and infrastructure of Gaza was premeditated. The assault was said to be anchored in a military doctrine that "views disproportionate destruction and creating maximum disruption in the lives of many people as a legitimate means to achieve military and political goals," and was "designed to have inevitably dire consequences for the non-combatants in Gaza."[5] The "disproportionate destruction and

violence against civilians" were part of a "deliberate policy," as were the "humiliation and dehumanization of the Palestinian population."[6] Although Israel justified the attack on grounds of self-defense against Hamas rocket attacks, the Goldstone Report pointed to a different motive. The "primary purpose" of the economic blockade Israel imposed on Gaza was to "bring about a situation in which the civilian population would find life so intolerable that they would leave (if that were possible) or turn Hamas out of office, as well as to collectively punish the civilian population," and concomitantly the invasion was "aimed at punishing the Gaza population for its resilience and for its apparent support for Hamas, and possibly with the intent of forcing a change in such support."[7] The Report concluded that the Israeli assault on Gaza constituted "a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability."[8]

The Report also paid moving tribute to "the resilience and dignity" of the Gazan people "in the face of dire circumstances."[9]

The Goldstone Report found that in seeking to "punish, humiliate and terrorize" the Gazan civilian population Israel committed numerous violations of customary and conventional international law. It also ticked off a lengthy list of war crimes that Israel committed such as "willful killing, torture or inhuman treatment," "willfully causing great suffering or serious injury to body or health," "extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly," and "use of human shields."[10] It further found that Israeli actions that "deprive Palestinians in the Gaza Strip of their means of sustenance, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their access to courts of law and effective remedies... might justify a competent court finding that crimes against humanity have been committed."[11]

The Goldstone Report pinned primary culpability for these criminal offenses on Israel's political and military elites: "The systematic and deliberate nature of the activities... leave the Mission in no doubt that responsibility lies in the first place with those who designed, planned, ordered and oversaw the operations."[12] It also found that the fatalities,

property damage, and “psychological trauma” resulting from Hamas’s “indiscriminate” and “deliberate” rocket attacks on Israel’s civilian population constituted “war crimes and may amount to crimes against humanity.”[13] Because the Goldstone Mission (like human rights organizations) devoted a much smaller fraction of its findings to Hamas rocket attacks, critics accused it of bias. The accusation was valid, but its weight ran in the opposite direction. If one considers that the ratio of Palestinian to Israeli deaths stood at more than 100:1 and of dwellings ravaged at more than 6000:1, then the proportion of the Goldstone Report given over to death and destruction caused by Hamas in Israel was much greater than the objective data would have warranted.

When it was subsequently put to Goldstone that the Report disproportionately focused on Israeli violations of international law, he replied, “It’s difficult to deal equally with a state party, with a sophisticated army, with the sort of army Israel has, with an air force, and a nav y, and the most sophisticated weapons that are not only in the arsenal of Israel, but manufactured and exported by Israel, on the one hand, with Hamas using really improvised, imprecise armaments.”[14]

Despite their relative impotence, Palestinians are often taken to task in the West for not embracing a Gandhian strategy that repudiates violent resistance. In 2003 then-U.S. Deputy Secretary of Defense Paul Wolfowitz told a Georgetown University audience that “if the Palestinians would adopt the ways of Gandhi, I think they could in fact make enormous change very, very quickly.”[15] Whatever the merits of this contention it still should be recalled what Gandhi actually had to say on the subject of nonviolence. He categorized forceful resistance in the face of impossible odds—a woman fending off a rapist with slaps and scratches, an unarmed man resisting torture by a gang, or Polish armed self-defense to the Nazi aggression—as “almost nonviolence” because it was in essence symbolic and acted more as a fillip to the spirit to overcome fear and allow for a dignified death; it registered “a refusal to bend before overwhelming might in the full knowledge that it means certain death.”[16]

In the face of Israel’s infernal, high-tech slaughter in Gaza it is hard not to see the desultory Hamas rocket attacks falling into the category of token violence that Gandhi was loath to condemn. Even granting that the rocket attacks did constitute fullfledged violence, it is still not certain that Gandhi would have disapproved. “Fight violence with nonviolence if you can,” he

counseled, “and if you can’t do that, fight violence by any means, even if it means your utter extinction. But in no case should you leave your hearths and homes to be looted and burnt.”[17] Isn’t this what Hamas did when it decided to “fight violence by any means,” even if it meant “utter extinction,”
after Israel broke the ceasefire and refused to relax the illegal blockade that was destroying Gaza’s “whole civilization” (Mary Robinson) and causing “the breakdown of an entire society” (Sara Roy)?[18]
The Goldstone Report did not limit itself narrowly to the Gaza invasion. It broadened out into a comprehensive, fullblown indictment of Israel’s treatment of Palestinians during the long years of occupation. The Report condemned Israel’s fragmentation of the Palestinian people,[19] and its restrictions on Palestinian freedom of movement and access through the regime of closures, checkpoints, curfews, and “Israeli-only” roads[20]; its “institutionalized discrimination” against Palestinians both in the Occupied Palestinian Territories and in Israel[21]; its violent repression of Palestinian (as well as Israeli) demonstrators opposing the occupation, and the violent attacks on Palestinian civilians in the West Bank by Israeli soldiers and Jewish settlers enjoying legal impunity[22]; its wholesale detention of Palestinians (including hundreds of children as well as Hamas parliamentary members) for political reasons,[23] the lack of due process, and the violence inflicted on Palestinian detainees[24]; its “silent transfer” of Palestinians in East Jerusalem to ethnically cleanse it[25]; its “de facto annexation” of ten percent of the West Bank on the “Israeli side” of the Wall that “amount[s] to the acquisition of territory by force, contrary to the Charter of the United Nations,”[26] and its settlement expansion, land expropriation, and demolition of Palestinian homes and villages. The Goldstone Report concluded that certain of these policies constituted war crimes,[27] and also violated the “jus cogens” right (i.e., peremptory norm under international law) to self-determination.[28]
Although it did not mark out a clear distinction between those perpetrating and those resisting a brutal occupation, the Goldstone Report nonetheless did not pretend to a false equivalence between Israel and the Palestinians. It eschewed “equating the position of Israel as the Occupying Power with that of the occupied Palestinian population or entities representing it. The differences with regard to the power and capacity to inflict harm or to

protect, including by securing justice when violations occur, are obvious and a comparison is neither possible nor necessary."[29]

The Goldstone Report proposed several options to hold Israel and Gaza authorities accountable for violations of international law during the Gaza invasion. Individual states in the international community should "start criminal investigations in national courts, using universal jurisdiction, where there is sufficient evidence of the commission of grave breaches of the Geneva Conventions of 1949. Where so warranted following investigation, alleged perpetrators should be arrested and prosecuted in accordance with internationally recognized standards of justice."[30] It also called on the U.N. Security Council to monitor the readiness of Israel and Gaza authorities to "launch appropriate investigations that are independent and in conformity with international standards into the serious violations of international humanitarian and international human rights law." If Israel and Gaza authorities failed to undertake "goodfaith investigations," the Goldstone Report recommended that the Security Council should "refer the situation in Gaza to the Prosecutor of the International Criminal Court."[31] It further recommended that Israel pay compensation for damages through a U.N. General Assembly escrow fund.[32]

In regard to the Israeli occupation the Goldstone Report recommended that the High Contracting Parties to the Fourth Geneva Convention should convene in order to "enforce the Convention" in the Occupied Palestinian Territories and to "ensure its respect"; that Israel terminate its blockade of Gaza and strangulation of Gaza's economy, its violence against Palestinian civilians, its "destruction and affronts on human dignity," its interference in Palestinian political life and repression of political dissent, and its restrictions on freedom of movement; that Palestinian armed groups "renounc[e] attacks on Israeli civilians and civilian objects" and release the Israeli soldier held in captivity; and that Palestinian authorities release political detainees and respect human rights.[33]

The Israeli reaction to the Goldstone Report came fast and furious. Apart from a few honorable (if predictable) exceptions,[34] it was subjected to a torrent of relentless abuse across the Israeli political spectrum and at all levels of society. Indeed, it was nearly impossible to find the actual Report on the Web amid the avalanche of vicious postings. Ridiculing the Goldstone Report as a "mockery of history," and Goldstone himself as a

“small man, devoid of any sense of justice, a technocrat with no real understanding of jurisprudence,” Israeli President Shimon Peres proceeded to set the record straight: “IDF [Israel Defense Forces] operations enabled economic prosperity in the West Bank, relieved southern Lebanese citizens from the terror of Hezbollah, and have enabled Gazans to have normal lives again.”[35] Prime Minister Benjamin Netanyahu purported that the Goldstone Report was “a kangaroo court against Israel,”[36] and Defense Minister Ehud Barak inveighed that it was “a lie, distorted, biased and supports terror.”[37] Netanyahu subsequently proposed launching an international campaign to “amend the rules of war” in order to facilitate the “battle against terrorists” in the future. (“What is it that Israel wants?,” Israeli historian Zeev Sternhell wondered aloud. “Permission to fearlessly attack defenseless population centers with planes, tanks and artillery?”)[38]

Foreign Minister Avigdor Lieberman declared that the Goldstone Report had “no legal, factual or moral value,” and Deputy Foreign Minister Danny Ayalon warned that it “provides legitimacy to terrorism” and risks “turning international law into a circus.”[39] Former Israeli ambassador to the U.N. Dan Gillerman ripped the Report for “blatant, one-sided, antiIsrael lies,” while current Israeli ambassador to the U.N. Gabriela Shalev castigated it as “biased, one-sided and political.”[40]

Israeli ambassador to the United States and ballyhooed historian Michael Oren intoned in the Boston Globe that the Goldstone Report “must be rebuffed by all those who care about peace,” and in the New Republic he reckoned it even worse than “Ahmadinejad and the Holocaust deniers.”[41] (Haaretz’s Gideon Levy dubbed Oren the “ambassador-propagandist.”[42])

IDF Chief of Staff Gabi Ashkenazi dismissed the Goldstone Report as “biased and unbalanced,” while IDF senior legal advisor Avichai Mendelblit derided it as “biased, astonishingly extreme, lack[ing] any basis in reality.”[43] The Jerusalem Post editorialized that the Goldstone Report was “a feat of cynical superficiality,” while former Haaretz editor-in-chief David Landau lamented that the Report’s “fundamental premise, that the Israelis went after civilians,” eliminated any possibility of “honest debate”[44]—although that was not the Goldstone Report’s premise but its conclusion reached after an honest search for truth. Settler movement leader Israel Harel deemed the Goldstone Report “destructive, toxic,” more wretched than the Protocols of the Elders of Zion, and misdirected “against precisely

that countr y which protects human and militar y ethics more than the world has ever seen," while residents of Sderot picketed U.N. offices in Jerusalem holding signs saying "Goldstone apologize" and "We're sick of anti-Semites."[45] Comparing Goldstone's accusations against Israel to those leveled against Alfred Dreyfus, Professor Gerald Steinberg declared that "Israel had the moral right to flatten all of Gaza."[46] (Steinberg founded the program on conflict resolution and management at Israel's Bar Ilan University.)

Fully 94 percent of Israeli Jews who were familiar with the Goldstone Report's content held it to be biased against Israel, and 79 percent rejected its accusation that the IDF committed war crimes.[47] Since the Report's findings were beyond the pale, the only topic deemed worthy of deliberation in Israel was whether it had been prudent for Israel to boycott the Goldstone Mission.[48] But, as veteran peace activist Uri Avnery pointed out, the "real answer" as to why Israel chose not to cooperate "is quite simple: they knew full well that the mission, any mission, would have to reach the conclusions it did reach."[49] It is notable that, unlike in the past, after the Gaza invasion Israelis dispensed with the theatrical outpourings of angst—"shooting and crying"—that Jewish cheerleaders abroad regularly used to tout as proof of the uniquely sensitive Israeli soul. Brutalized and calloused, Israelis could apparently no longer even conceive of a feeling of remorse. The novelists and icons of Israel's "peace camp"—David Grossman, A. B. Yehoshua, and Amos Oz—waited until the last days of Israel's 2006 killing spree in Lebanon, when the international outcry became deafening, before they publicly cast doubt on the wisdom of the invasion. This time around the world was spared any such belated hypocritical display.

Back in the U.S. the usual suspects rose (or sunk) to the occasion of smearing the message and the messenger. In a posting on Commentary's web site Max Boot dismissed the Goldstone Report as a "risible series of findings," and former U.S. ambassador to the United Nations John Bolton opined in the Wall Street Journal that "the logical response to this debacle is to withdraw from and defund" the Human Rights Council.[50] Harvard's Alan M. Dershowitz alleged that the Goldstone Report "is so filled with lies, distortions and blood libels that it could have been drafted by Hamas extremists"; that it recalled the "Protocols of the Elders of Zion" and was

“biased and bigoted”; that “every serious student of human rights should be appalled at this anti-human rights and highly politicized report”; that it made “findings of fact (nearly all wrong),” stated “conclusions of law (nearly all questionable),” and made “specific recommendations (nearly all one-sided).”[51]

Dershowitz and other Goldstone-bashers alleged that the Palestinian witnesses were either coached and intimidated by Hamas or were actually Hamas militants in disguise, without a jot of evidence being adduced, while Goldstone himself rejoined by offering “every assurance that it didn’t happen.”[52]

The American Israel Public Affairs Committee (AIPAC) called the Goldstone Mission “rigged” and the Goldstone Report “deeply flawed,”[53] the American Jewish Committee deplored it as a “deeply distorted document,”[54] and Abraham H. Foxman of the Anti-Defamation League was “shocked and distressed that the United States would not unilaterally dismiss it.”[55]

The Obama administration quickly fell into line with the Israel lobby, but it probably did not need much prodding: one of Israel’s talking points in Washington was that the Goldstone Report’s recommendation to prosecute soldiers for war crimes “should worry every country fighting terror.”[56] State Department Spokesman Ian Kelly alleged that whereas the Report “makes overly sweeping conclusions of fact and law with respect to Israel, its conclusions regarding Hamas’s deplorable conduct... are more general”; Assistant U.S. Secretary of State for Democracy Michael Posner condemned it as “deeply flawed”; and Deputy U.S. Ambassador to the United Nations Alejandro Wolff faulted its “unbalanced focus on Israel.”[57] New York Democrat Gary Ackerman, chair of the House Subcommittee on the Middle East and South Asia, mocked Goldstone as inhabiting a “self-righteous fantasyland” and the Report as a “pompous, tendentious, one-sided political diatribe.”[58]

After suffering a relentless barrage of such attacks, Goldstone finally challenged the Obama administration to justify substantively its criticism of the Report, while Human Rights Watch (HRW) took to task the U.S. government for having “resorted to calling the report ‘unbalanced’ and ‘deeply flawed,’ but providing no real facts to support those assertions.”[59]

The U.S. House of Representatives passed by a vote of 344 to 36 a non-

binding resolution that condemned the Goldstone Report as "irredeemably biased and unworthy of further consideration or legitimacy."[60] Before the vote was taken Goldstone provided a point-by-point demonstration that the House resolution was vitiated by "serious factual inaccuracies and instances where information and statements are taken grossly out of context."[61] Meanwhile, the U.S. government reportedly planned to block or limit Security Council action on the Goldstone Report, while both the U.S. and Israel pressured the Palestinian Authority (PA) to drop its support of the Report's recommendations. "The PA has reached the point where it has to decide," a senior Israeli defense official pronounced, "whether it is working with us or against us."[62]

The answer was not long in coming. Acting on direct instructions from President Mahmoud Abbas, the PA representative on the U.N. Human Rights Council effectively acquiesced in killing consideration of the Goldstone Report, but the decision evoked such outrage among Palestinians that the PA was forced to reverse itself and the council convened to consider the findings.[63] It approved a resolution "condemning all targeting of civilians and stressing the urgent need to ensure accountability for all violations" of international law, and it endorsed the Goldstone Report's recommendations and urged the United Nations to act on them.[64] The U.N. General Assembly subsequently passed by a vote of 114 to 18 (44 countries abstained) a resolution also "condemning all targeting of civilians and civilian infrastructure," and it called on both Israel and the "Palestinian side" to "undertake investigations that are independent, credible and in conformity with international standards into the serious violations of international... law reported by the Fact Finding Mission."[65] Israeli officials denounced the resolution as "completely detached from realities" and a "mockery of reality," and alleged that the vote "proves that Israel is succeeding in getting across the message that the report is onesided and not serious."[66]

One might wonder why the Goldstone Report should have triggered so much vituperation in Israel and set off a global "diplomatic blitz" to contain the fallout from it.[67] After all the Goldstone Mission's findings were merely the last in a long series of human rights reports condemning Israeli actions in Gaza, and Israel has never been known for its deference to U.N. bodies. The answer however is not hard to find. Goldstone is not only Jewish but is

also a self-declared “Zionist” who “worked for Israel all of my adult life,” “fully support[s] Israel’s right to exist” and is a “firm believer in the absolute right of the Jewish people to have their home there.” He headed up a Jewish organization that runs vocational schools in Israel and sits on the Board of Governors of the Hebrew University in Jerusalem (from which he also received an honorary doctorate). Moreover, his mother was an activist in the women’s Zionist movement, and his daughter made aliyah (Zionist emigration to Israel) and is an ardent Zionist.[68] Goldstone has also claimed the Nazi holocaust as the seminal inspiration for the international law and human rights agenda of which he is a leading exponent.[69]

Because of Goldstone’s credentials, Israel could not credibly play its usual cards—“anti-Semite,” “self-hating Jew,” “Holocaust denier”—against him. In effect his persona neutralized the ideological weapons Israel had honed over many years to ward off criticism. “This time,” in Gideon Lev y’s telling phrase, “the messenger is propaganda-proof.”[70] Although dead-enders did try discrediting Goldstone as an “anti-Semite” (Israeli Finance Minister Yuval Steinitz) and the Report as “partially motivated by anti-Semitic views of Israel” (philosophy professor Asa Kasher)[71]—and they were hardly alone, given that a Google search for the words “Goldstone anti-Semite Gaza” one week after the Goldstone Report’s publication brought up over 75,000 web sites—the slanders collapsed under the weight of their own absurdity.

The detractors then speculated that the Goldstone Report was a product of the author’s overweening ambition—Goldstone was supposedly angling for a Nobel Peace Prize or to head the United Nations—but once more his impeccable reputation easily withstood the imputations.[72] It was then alleged that Goldstone had been “suckered into lending his good name to a half-baked report.”[73] But the chief prosecutor in multiple international war crimes tribunals was plainly no one’s dupe. If Goldstone was not an anti-Semite, a self-hating Jew, or a Holocaust denier; if he had never evinced animus towards Israel but in fact had demonstrated an abiding affection for it; if he was manifestly a man of integrity who put truth and justice above self-aggrandizement and partisanship; if he was neither an incompetent nor a fool; then the only plausible explanation for the devastating content of the document he authored was that it faithfully recorded the facts as they unfolded during the 22-day invasion. “The only thing they can be afraid

of," Goldstone later observed, "is the truth. And I think this is why they're attacking the messenger and not the message."[74]

Compelled to face the facts and their consequences, disarmed and exposed, Israel went into panic mode. Influential Israeli columnists expressed alarm that the Goldstone Report might impede Israel's ability to launch military attacks in the future,[75] and Prime Minister Netanyahu ranked "the Iranian [nuclear] threat, the missile threat and a threat I call the Goldstone threat" the major strategic challenges confronting Israel.[76] In the meantime Israeli officials fretted that prosecutors might hound Israelis traveling abroad.[77] And indeed, shortly after the Goldstone Report was published, the International Criminal Court announced it was contemplating an investigation of an Israeli officer implicated in the Gaza massacre.[78] In December 2009 Tzipi Livni cancelled a trip to London after a British court issued an arrest warrant for her role in the commission of war crimes while serving as foreign minister and member of the war cabinet during the Gaza invasion.[79]

The symbolism, indeed pathos, of Goldstone's condemnation was hard to miss. A lover of Zion was now calling for Zion to be hauled before the International Criminal Court for an array of war crimes and possible crimes against humanity. In effect Goldstone's intervention signaled the implosion of that unstable alloy—some would say oxymoron—called liberal Zionism. Goldstone is the quintessence of the classical liberal Jew: a renowned defender of the rule of law and human rights. He has also evinced a deep affinity for Israel. But it has become progressively more difficult in recent years for those who call themselves "liberals" to defend Israeli conduct. The Gaza invasion marked the climax of Israel's incremental descent into barbarism—or, as the Goldstone Report euphemistically put it, "a qualitative shift from relatively focused operations to massive and deliberate destruction."[80] Even if inclined by family and faith to do so, Goldstone still could not defend what happened. He is a liberal by sensibility and public reputation. He is constrained by the parameters of the law, which for one acting in good conscience could not be stretched beyond certain limits. He functions within a human rights environment that had already rendered a devastating verdict on Israel's actions and that he could not ignore and still maintain his credibility in that community.

In the wake of the Goldstone Report it will be difficult for other Jews

broadly of his ilk—which means the overwhelming majority of American Jews, who "identify their long-term interests with liberal policies"[81]—to brush aside even the harshest criticism of Israel, just as Israel's defenders will henceforth have a harder time shielding it from such criticism. "Those groups who unquestioningly attack the report's veracity," a British "friend and supporter of Israel" wrote in the British Guardian, "find themselves further alienated from significant swaths of Jewish opinion, especially among the younger generation."[82]

The reaction in the bastions of American Jewish liberalism to the Goldstone Report was as notable for what was not said as for what was said: if newspaper editorials and liberal commentary did not come out in Goldstone's defense, they also did not defend Israel against him.[83] It can fairly be said that the Goldstone Report marked the end of one era and the emergence of another: the end of an apologetic Jewish liberalism that denies or extenuates Israel's crimes and the emergence of a Jewish liberalism that returns to its classical calling that, if only as an ideal imperfectly realized, nonetheless holds all malefactors, Jew or non-Jew, accountable when they have strayed from the path of justice.

Even if tempted, liberal Jews could not bury the Goldstone Report because it has resonated most in the milieus where they work and socialize. "Western governments may ignore this damning report," an Israeli commentator portended, "but it will now serve as a basis of criticism against Israel in public opinion, the media, on campuses and in think tanks, places where U.N. documents are still taken seriously."[84]

An Israeli reserve officer who did double-duty as an emissary for Israel on U.S. college campuses lamented to Haaretz that protesting students "quote the Goldstone report.... It's become their bible."[85] Moreover, for those professing to be enlightened, it could not seriously be contended that choosing between the credibility of Israel's cheerleaders and the likes of Goldstone was a close call. "Does it then come down to a matter of whose reputation you trust?," Antony Lerman, former director of the London-based Institute for Jewish Policy Research, rhetorically asked. "If so, would it be critics of human rights agencies like Alan Dershowitz, the prominent American law yer who thinks torture could be legalized, or Melanie Phillips, a columnist who calls Jewish critics of Israel 'Jews for Genocide'...? Or Richard Goldstone, former chief prosecutor of the

International Criminal Tribunals for the former Yugoslavia and Rwanda, who is putting his considerable reputation on the line in taking the UNHRC assignment? Frankly, I don't think there is a contest."[86]

The Goldstone Report also marked the emergence of a new era in which the human rights dimension of the Israel-Palestine conflict moved center-stage alongside—and even temporarily displacing—the fatuous "peace process." During the first decades of Israel's occupation advocates of Palestinian human rights perforce had to rely on the research and testimony of a handful of courageous but politically marginal Israelis,[87] and their Palestinian clients and colleagues. Consider torture. In recent times mainstream human rights organizations and Israeli historians have acknowledged that Israel routinely tortured Palestinian detainees from the start of the occupation.[88] However, until the 1990s, and despite a wealth of corroborative evidence, respectable opinion treated Israeli torture gingerly and when approaching the topic discreetly steered clear of using the locution torture.[89] A reversal occurred after the first Palestinian intifada in 1987. On the one hand, the torture of Palestinian detainees reached epidemic levels and, on the other, the newly founded Israeli human rights organization B'Tselem (Israeli Information Center for Human Rights in the Occupied Territories) irrefutably documented Israel's use of torture on Palestinian detainees.[90] No longer able to turn a blind eye, and having the moral and political cover of Israeli organizations, the human rights community in the West began systematically to document Israel's egregious practice of torture and its many other human rights abuses. However, most of these publications just collected dust as the media scrupulously ignored them and instead pretended that, between Palestinian accusation and Israeli denial, ferreting out the truth was futile. The Goldstone Report catapulted Israel's human rights record into the court of public opinion, and concomitantly the damning findings of human rights organizations have now become politically consequential.

The stakes having risen, hysteria over the Goldstone Report unsurprisingly coincided with a vicious campaign to discredit human rights organizations, which now stood accused of "law-fare"[91]—that is, trying to "isolate Israel through the language of human rights," and "conducting an insane incitement campaign... to isolate Israel, condemn it and destroy it."[92] "We are going to dedicate time and manpower to combating these groups," the

director of policy planning in the Israeli prime minister's office declared.[93] "For the first time," the director of HRW's Middle East division observed, "the Israeli government is taking an active role in the smearing of human rights groups."[94] In the U.S. perennial apologists for the Holy State such as Alan M. Dershowitz and Elie Wiesel orchestrated a witch-hunt against HRW.[95] "I really hesitate to use words like conspiracy, but there is a feeling that there is an organized campaign," HRW's program director contended. "We have been under enormous pressure and tremendous attacks, some of them very personal."[96] HRW founder Robert Bernstein, who has long been rumored to be muzzling HRW's criticism of Israel from within the organization, soon jumped in. After publication of the Goldstone Report and in a highly public defection, Bernstein wrote an op-ed for the New York Times that denounced HRW's allegedly biased reporting on Israel. The only testimony he could summon in Israel's defense against reams of copiously documented human rights reports was the ubiquitous Colonel Richard Kemp serenading Israel for its historically unparalleled devotion to humanitarian law during the Gaza invasion.[97]

The Gaza invasion accelerated the dissolution of blanket Jewish support for Israel. Because this reflexive Jewish support has historically blocked the path to peace, the prospects for a just and lasting resolution of the conflict are better now than ever before. The foundations for such a settlement are the universal, consensual, legal principles ratified in annual U.N. General Assembly resolutions, the 2004 advisor y opinion of the International Court of Justice, and the standards of respected human rights organizations. Were Israel to abide by these principles a resolution of the conflict would be immediately within reach.

But Israel must also be held accountable for its crimes in Gaza. For those in Gaza who lost loved ones, homes, and livelihoods, such a reckoning is elementar y justice, which it would be immoral to deny them. A criminal proceeding would probably also put a brake on a militar y juggernaut manifestly out of control. However, insofar as it is humanly possible, the execution of justice should be free of rancor and vindictiveness, free of the Schadenfreude that instinctively attends the humbling of an arrogant and ruthless foe. It should not be lost from sight that the ultimate goal is—or ought to be—a settlement enabling both parties, everyone, to live proud, productive, and peaceful lives.

Gandhi called his doctrine of nonviolent resistance satyagraha, which he translated as “hold on to the truth.” Herewith is our challenge: to hold on to the truth that what Israel has done to the Palestinians is wrong and indefensible; to hold on to the truth that Israel’s refusal, backed by the U.S., to respect international law and the considered opinion of humankind is the sole obstacle to putting an end, finally, to their suffering. We can reach our goal if we hold on to the truth, and if, as the African-American spiritual put it with cognate wisdom, we keep our eyes on the prize, and hold on. That is, if we keep remembering what the struggle—the prize—is all about: not theoretical fad or intellectual provocation, not holier-thanthou radical posturing, but—however humdrum, however prosaic, by comparison—helping free the Palestinian people from their bondage. And then to hold on, to be ready for sacrifice and for the long haul but also, and especially, to be humble in the knowledge that for those of us living in North America and Europe, the burdens pale next to those borne daily by the people of Palestine.

The Caribbean poet Aimé Césaire once wrote, “There’s room for everyone at the rendezvous of victory.” Late in life, when his political horizons broadened, Edward Said often quoted this line. We should make it our credo as well. We want to nurture a movement, not hatch a cult. The victory to which we aspire is inclusive, not exclusive; it is not at anyone’s expense. It is to be victorious without vanquishing. No one is a loser, and we all are gainers if together we stand by truth and justice. “I am not anti-English; I am not anti-British; I am not anti-any government,” Gandhi insisted, “but I am antiuntruth—anti-humbug, and anti-injustice.”[98] Shouldn’t we also say that we are not anti-Jewish, anti-Israel, or, for that matter, anti-Zionist? The prize to which our eyes should be riveted is human rights, human dignity, and human equality. What, really, is the point of the ideological litmus test: Are you now or have you ever been a Zionist? A criterion of membership that would exclude a Richard Goldstone from our ranks is transparently counterproductive. Shouldn’t we use a vocabulary and points of reference that register and resonate with the public conscience and the Jewish conscience, winning over the decent many while isolating the diehard few? Shouldn’t we instead be asking: Are you for or against ethnic cleansing, for or against discriminatory laws, for or against house demolitions, for or against Jews-only roads and Jews-only settlements, for or against torture, for or against massacres? And if the answers come, against, against, and

against, shouldn’t we then say: Keep your ideology, whatever it might be—there’s room for everyone at the rendezvous of victory?

The terrible death and destruction Israel visited on the people of Gaza cannot be undone. Their suffering can however be vindicated. Let us seize on the hope born of their martyrdom, redouble our commitment to a just peace, and then let us meet, all of us, sooner not later, at the rendezvous of victory.

Massacre of innocent people is a serious matter. It is not a thing to be easily forgotten. It is our duty to cherish their memory. Mahatma Gandhi (2 July 1947)[99]

OceanofPDF.com

APPENDIX

Letter from Hamas to U.S. President Barack Obama

Palestinian National Authority Ministry of Foreign Affairs Deputy Office
Fax: +972 8 2868971
Tel: +972 8 2822937
His Excellency President Barack Obama, President of the United States of America.
June 3rd 2009
Dear Mr. President,
We welcome your visit to the Arab world and your administration's initiative to bridge differences with the Arab-Muslim world.
One long-standing source of tension between the United States and this part of the world has been the failure to resolve the Israel-Palestine conflict.
It is therefore unfortunate that you will not visit Gaza during your trip to the Middle East and that neither your Secretary of State nor George Mitchell have come to hear our point of view.
We have received numerous visits recently from people of widely varied backgrounds: U.S. Congressional representatives, European parliamentarians, the U.N.-appointed Goldstone commission, and grassroots delegations such as those organized by the U.S. peace group CODEPINK.
It is essential for you to visit Gaza. We have recently passed through a brutal 22-day Israeli attack. Amnesty International observed that the death and destruction Gaza suffered during the invasion could not have happened without U.S.-supplied weapons and U.S. taxpayers' money.
Human Rights Watch has documented that the white phosphorus Israel dropped on a school, hospital, United Nations warehouse and civilian neighborhoods in Gaza was manufactured in the United States. Human Rights Watch concluded that Israel's use of this white phosphorus was a war crime.
Shouldn't you see firsthand how Israel used your arms and spent your money?
Before becoming president you were a distinguished professor of law. The U.S. government has also said that it wants to foster the rule of law in the

Arab-Muslim world.
The International Court of Justice stated in July 2004 that the whole of the West Bank, Gaza and East Jerusalem are occupied Palestinian territories designated for Palestinian selfdetermination, and that the Jewish settlements in the occupied Palestinian territories are illegal.
Not one of the 15 judges sitting on the highest judicial body in the world dissented from these principles.
The main human rights organizations in the world, Amnesty International and Human Rights Watch, have issued position papers supporting the right of the Palestinian refugees to return and compensation.
Each year in the United Nations General Assembly nearly every country in the world has supported these principles for resolving the Israel-Palestine conflict. Every year the Arab League puts forth a peace proposal based on these principles for resolving the Israel-Palestine conflict.
Leading human rights organizations such as Human Rights Watch have also stated that Israel's siege of Gaza is a form of collective punishment and therefore illegal under international law.
We in the Hamas Government are committed to pursuing a just resolution to the conflict not in contradiction with the international community and enlightened opinion as expressed in the International Court of Justice, the United Nations General Assembly, and leading human rights organizations.
We are prepared to engage all parties on the basis of mutual respect and without preconditions.
However, our constituency needs to see a comprehensive paradigm shift that not only commences with lifting the siege on Gaza and halts all settlement building and expansion but develops into a policy of evenhandedness based on the very international law and norms we are prodded into adhering to.
Again, we welcome you to Gaza which would allow you to see firsthand our ground zero. Furthermore, it would enhance the U.S. position, enabling you to speak with new credibility and authority in dealing with all the parties.

Very Truly Yours, Dr. Ahmed Yousef
Deputy of the Foreign Affairs Ministry
Former Senior Political Advisor
to Prime Minister Ismael Hanniya[1]

OceanofPDF.com

NOTES

EPIGRAPH

1. Breaking the Silence, Soldiers' Testimonies from Operation Cast Lead, Gaza 2009 (Jerusalem: June 2009), p. 46 (ellipsis in original).

CHAPTER ONE

1. "Answers to Questions" (1 June 1947), in The Collected Works of Mahatma Gandhi (Ahmedabad), v. 88, p. 48.

2. Less than one percent of Palestine was set aside for an international zone (Corpus separatum) incorporating Jerusalem.

3. Sara Roy, The Gaza Strip: The political economy of de-development (Washington, D.C.: 1995), pp. 3–5; for the distinctiveness of Israel's economic policy in Gaza, see ibid., chapter 5.

4. Benny Morris, Israel's Border Wars, 1949–1956 (Oxford: 1993), pp. 407–9. Morris documents that until the Israeli raid on Gaza the "overriding concern" of Egypt "in its relations with Israel was to avoid sparking IDF attacks": "Egypt generally sought tranquility along its border with Israel." However, "from some point in 1954" IDF Chief of Staff Moshe Dayan "wanted war, and periodically, he hoped that a given retaliatory strike would embarrass or provoke the Arab state attacked into itself retaliating, giving Israel cause to escalate the shooting until war resulted." The "policy of trapping Nasser into war was hammered out between [David] Ben-Gurion and Dayan," its rationale being that "because Israel could not afford to be branded an aggressor, war would have to be reached by a process of gradual escalation, to be achieved through periodic, large-scale Israeli retaliatory attacks in response to Egyptian infractions of the armistice." When "Egypt refused to fall into the successive traps set by Dayan," Israel colluded with Great Britain and France to attack Egypt outright. (ibid., pp. 85, 178–79, 229– 30, 271–72, 279–80, 427, 428)

[5]. Benny Morris, Righteous Victims: A history of the Zionist-Arab conflict, 1881–2001 (New York: 2001), pp. 340–43, 568.

[6]. Ann Mosely Lesch, “Gaza: History and Politics,” in Ann Mosely Lesch and Mark Tessler, Israel, Egypt, and the Palestinians: From Camp David to intifada (Bloomington: 1989), pp. 230–32.

[7]. Morris, Righteous Victims, pp. 561, 580, 587, 591, 599.

[8]. Shlomo Ben-Ami, Scars of War, Wounds of Peace: The Israeli-Arab tragedy (New York: 2006), pp. 191, 211.

[9]. Andy Levy-Ajzenkopf, “Sharansky on Tour Promoting Identity, Freedom,” Canadian Jewish News (1 July 2008).

[10]. Graham Usher, “The Politics of Internal Security: The PA’s new intelligence services,” Journal of Palestine Studies (Winter 1996), p. 28; The B’Tselem Human Rights Report (Spring 1994).

[11]. Shlomo Ben-Ami, interview on Democracy Now!, Transcript (14 February 2006); Zeev Maoz, Defending the Holy Land: A critical analysis of Israel’s security and foreign policy (Ann Arbor: 2006), p. 476; cf. ibid., p. 493.

[12]. Yossi Beilin, The Path to Geneva: The quest for a permanent agreement, 1996–2004 (New York: 2004), pp. 52–53, 219–26; Clayton E. Swisher, The Truth About Camp David (New York: 2004), p. 402.

[13]. Morris, Righteous Victims, p. 671.

[14]. Ben-Ami, Scars of War, p. 267; cf. Idith Zertal and Akiva Eldar, Lords of the Land: The war over Israel’s settlements in the occupied territories, 1967-2007 (New York: 2007), pp. 412-15.

[15]. More than 400 Palestinians including 85 children were killed while five Israeli soldiers were killed (one because of friendly fire) during “Summer Rains” and “Autumn Clouds.” A total of 33 Palestinian children were killed

while one Israeli civilian was killed in just five days during “Hot Winter.” Al Mezan Center for Human Rights, Bearing the Brunt Again: Child rights violations during Operation Cast Lead (September 2009), pp. 8, 18–19.

[16]. Amira Hass, Drinking the Sea at Gaza: Days and nights in a land under siege (New York: 1996), p. 9.

[17]. Sara Roy, Failing Peace: Gaza and the Palestinian-Israeli conflict (London: 2007), pp. 327–28. See also Galia Golan, Israel and Palestine: Peace plans from Oslo to disengagement (Princeton: 2007), p. 119 (“strategically the idea [of the disengagement plan] may have been to jettison the Gaza Strip, with all its human as well as security problems, while solidifying Israel’s hold over the majority of the West Bank”).

[18]. Human Rights Watch, “‘Disengagement’ Will Not End Gaza Occupation” (29 October 2004). HRW’s World Report 2006 reiterated this position:

In August and September 2005, Israel unilaterally withdrew approximately eight thousand settlers, along with military personnel and installations, from the Gaza Strip and four small settlements in the northern West Bank near Jenin. While Israel has since declared the Gaza Strip a “foreign territory” and the crossings between Gaza and Israel “international borders,” under international humanitarian law (IHL), Gaza remains occupied, and Israel retains its responsibilities for the welfare of Gaza residents. Israel maintains effective control over Gaza by regulating movement in and out of the Strip as well as the airspace, sea space, public utilities and population registry. In addition, Israel declared the right to re-enter Gaza militarily at any time in its “Disengagement Plan.” Since the withdrawal, Israel has carried out aerial bombardments, including targeted killings, and has fired artillery into the northeastern corner of Gaza.

For a detailed legal analysis, see Gisha (Legal Center for Freedom of Movement), Disengaged Occupiers: The legal status of Gaza (Tel Aviv: January 2007). The U.N. Human Rights Council Mission chaired by Richard Goldstone affirmed that Israel “exercised effective control over the Gaza Strip” and that “the circumstances of this control establish that the Gaza Strip remains occupied by Israel” (Report of the United Nations Fact

Finding Mission on the Gaza Conflict (25 September 2009), paras. 187, 276–79).

[19]. Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip (Washington, D.C.: 1995), pp. 92–96, 314. For analysis of Oslo II, see Norman G. Finkelstein, Image and Reality of the Israel-Palestine Conflict (New York: 1995; expanded second paperback edition, 2003), chapter 7.

[20]. A border dispute over a tiny triangle of land was resolved later in Egypt's favor by international arbitration.

[21]. B'Tselem (Israeli Information Center for Human Rights in the Occupied Territories), Land Grab: Israel's settlement policy in the West Bank (Jerusalem: May 2002). "One of the most important 'achievements,'" of the Oslo Accord for Israel, and "of which Rabin was proud," was "the exclusion of specific language freezing settlement construction in the period of the interim arrangement" (Beilin, Path to Geneva, p. 278). The Jewish settler population increased from 250,000 to 380,000 during the Oslo years.

[22]. Jimmy Carter, Palestine Peace Not Apartheid (New York: 2006), pp.159–60 ("The Palestinians accepted the Road Map in its entirety, but the Israeli government announced fourteen caveats and prerequisites, some of which would preclude any final peace talks"); Golan, Israel and Palestine, p. 90 ("Although officially accepting the Road Map, Israel submitted to the Americans a list of fourteen reservations, some of them of a nature that could significantly cripple implementation of the plan"). See also Henry Siegman, "Hamas: The last chance for peace," New York Review of Books (27 April 2006).

[23]. I will return to this point below.

[24]. "Cast Lead" refers to a line in a Hanukkah song.

[25]. Gideon Levy, "Goldstone's Gaza Probe Did Israel a Favor," Haaretz (2 October 2009).

[26]. For background and analysis, see Mouin Rabbani, “Birth Pangs of a New Palestine,” Middle East Report Online (7 January 2009; http://tinyurl.com/a2bu6l).

[27]. International Crisis Group, Gaza’s Unfinished Business (April 2009), p. 21; see ibid., pp. 27–28, for the postinvasion ceasefire terms.

[28]. Report of the Independent Fact Finding Committee on Gaza: No safe place. Presented to the League of Arab States (30 April 2009), para. 411(3). The Committee was chaired by eminent South African legal scholar John Dugard. On a related note, the Committee observed:
Had the IDF wanted to completely destroy the tunnels [under the southern border of Gaza] this would have been relatively easy to achieve. They are easily discernible and given the IDF’s aerial surveillance capability, they must have been aware of the exact location of the tunnels. However, it was clear to the Committee they had not all been destroyed during the conflict. In the Committee’s view this raises questions about the Israeli claim that it acted in self-defense against the smuggling of weapons through the tunnels. (ibid., para. 394)

[29]. B’Tselem (Israeli Information Center for Human Rights in the Occupied Territories), Human Rights in the Occupied Territories: 2008 annual report (Jerusalem: 2009).

[30]. “Opening Remarks by Former U.S. President Jimmy Carter to the 2006 Human Rights Defenders Policy Forum” (23 May 2006; http://tinyurl.com/cgu5u2).

[31]. David Rose, “The Gaza Bombshell,” Vanity Fair (April 2008); Paul McGeough, Kill Khalid: The failed Mossad assassination of Khalid Mishal and the rise of Hamas (New York: 2009), pp. 349–82.

[32]. McGeough, Kill Khalid, p. 377.

[33]. Ed O’Loughlin, “Hopeless in Gaza,” Sydney Morning Herald (23 June 2007).

[34]. Human Rights Watch, “Donors Should Press Israel to End Blockade” (1 March 2009).

[35]. United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Gaza Humanitarian Situation Report—The Impact of the Blockade on the Gaza Strip: A human dignity crisis (15 December 2008).

CHAPTER TWO

[1]. Gideon Levy, “The Time of the Righteous,” Haaretz (9 January 2009).

[2]. Ethan Bronner, “In Israel, A Consensus That Gaza War Is a Just One,” New York Times (13 January 2009).

[3]. Gideon Levy, on Democracy Now!, (29 December 2008; www.democracynow.org/2008/12/29/israeli_attacks_kill_over_310_in.)

[4]. Richard Wilson, “Incomplete or Inaccurate Information Can Lead to Tragically Incorrect Decisions to Preempt: The example of OSIRAK,” paper presented at Erice, Sicily (18 May 2007, updated 9 February 2008; http://tinyurl.com/d76399). See also Richard Wilson, “A Visit to the Bombed Nuclear Reactor at Tuwaitha, Iraq,” Nature (31 March 1983), and comments of Wayne White, Former Deputy Director, Near East and South Asia Office, State Department, in “Fifty-third in the Capitol Hill Conference Series on U.S. Middle East Policy” (20 June 2008; http://tinyurl.com/cqoggh). For a typically ill-informed recent commentary, see Norman Podhoretz, Why Are Jews Liberals? (New York: 2009), p. 194 (“if not for this spectacular military operation, Saddam Hussein would shortly thereafter have developed a nuclear arsenal”).

[5]. Ethan Bronner, “Israel Reminds Foes That It Has Teeth,” New York Times (29 December 2008).

[6]. Benny Morris, “Why Israel Feels Threatened,” New York Times (30 December 2008).

[7]. Gideon Levy, “Twilight Zone: Waiting for the all clear,” Haaretz (30 April 2009).

[8]. Benny Morris, Righteous Victims: A history of the Zionist-Arab conflict, 1881–2001 (New York: 2001), p. 686.

[9]. Ami Gluska, The Israeli Military and the Origins of the 1967 War: Government, armed forces and defence policy 1963–1967 (New York: 2007), pp. 74–76, 80, 94–100, 103–6, 114–18.

[10]. Norman G. Finkelstein, Image and Reality of the Israel-Palestine Conflict (New York: 1995; expanded second paperback edition, 2003), pp. 134–37, for the alleged threat posed by Egypt (Johnson at p. 135); for the blockade of the Straits of Tiran, see ibid., pp. 137–40 (Eban at p. 139).

[11]. “Memorandum for the Record” (1 June 1967), Foreign Relations of the United States, 1964–1968, vol. 19, Arab-Israeli Crisis and War, 1967 (Washington, D.C.: 2004).

[12]. Tom Segev, 1967: Israel, the war, and the year that transformed the Middle East (New York: 2007), p. 293, my emphasis.

[13]. “Memorandum from the President’s Special Assistant (Rostow) to President Johnson” (4 June 1967), Foreign Relations of the United States, 1964–1968.

[14]. Zeev Maoz, Defending the Holy Land: A critical analysis of Israel’s security and foreign policy (Ann Arbor: 2006), p. 89.

[15]. Matthew Kalman, “Israel Set War Plan More Than a Year Ago,” San Francisco Chronicle (21 July 2006).

[16]. William Arkin, Divining Victory: Airpower in the 2006 Israel-Hezbollah war (Maxwell Air Force Base, AL: 2007), pp. xxv–xxvi, 54, 135, 147–48.

[17]. Ibid., pp. xxi, 25, 64.

[18]. Andrew Exum, Hizballah at War: A military assessment (Washington Institute for Near East Policy: December 2006), pp. 9, 11–12.

[19]. Benny Morris, “A Second Holocaust? The Threat to Israel” (2 May 2008; www.mideastfreedomforum.org/de/node/66). As the Israeli government in late 2009 again threatened to attack Iran, Morris did a reprise of his 2008 performance and again conjured apocalyptic scenarios if the U.S. did not back an Israeli attack. Benny Morris, “Obama’s Nuclear Spring,” Guardian (24 November 2009).

[20]. Yaron London, “The Dahiya Strategy” (6 October 2008; www.ynet news.com/articles/0,7340,L-3605863,00.html). Gabriel Siboni, “Disproportionate Force: Israel’s concept of response in light of the Second Lebanon War,” Institute for National Security Studies (INSS) (2 October 2008). Giora Eiland, “The Third Lebanon War: Target Lebanon,” Strategic Assessment (November 2008). Amos Harel, “Analysis: IDF plans to use disproportionate force in next war,” Haaretz (5 October 2007). Joseph Nasr, “Israel Warns Hezbollah War Would Invite Destruction,” Reuters (2 October 2008).

[21]. London, “Dahiya Strategy.” Attila Somfalvi, “Sheetrit: We should level Gaza neighborhoods” (2 October 2008; www.ynetnews.com/ articles/0,7340,L-3504922,00.html).

[22]. “Israeli General Says Hamas Must Not Be the Only Target in Gaza,” IDF Radio, Tel Aviv, in Hebrew 0600 gmt (26 December 2008), BBC Monitoring Middle East; Tova Dadon, “Deputy Chief of Staff: Worst still ahead,” ynetnews.com (29 December 2008; http://tinyurl.com/ crwdbw); “B’Tselem to Attorney General Mazuz: Concern over Israel targeting civilian objects in the Gaza Strip” (31 December 2008; http:// tinyurl.com/8gxwox); Report of the United Nations Fact Finding Mission on the Gaza Conflict (25 September 2009), para. 1204. Hereafter: Goldstone Mission Report. I passed on an earlier version of my book manuscript to members of the Goldstone Mission during its investigative phase. The final Report of the Mission also made extensive reference to the Dahiya strategy. For more on the Dahiya strategy and the quote from Channel 10 News, see Public Committee Against Torture in Israel (PCATI),

No Second Thoughts: The changes in the Israeli Defense Forces' combat doctrine in light of "Operation Cast Lead" (Jerusalem: November 2009), pp. 20–28.

[23]. Seumas Milne, "Israel's Onslaught on Gaza is a Crime That Cannot Succeed," Guardian (30 December 2008).

[24]. Amnesty International, Operation "Cast Lead": 22 Days of death and destruction (London: July 2009), p. 47.

[25]. Reuven Pedatzur, "The Mistakes of Cast Lead," Haaretz (8 January 2009).

[26]. Morris, "Why Israel Feels Threatened."

[27]. B. Michael, "Déjà Vu in Gaza," ynetnews.com (29 December 2008; http://tinyurl.com/d2r2v4).

[28]. Gideon Levy, "Twilight Zone: Trumpeting for war," Haaretz (2 January 2009). But see also Goldstone Mission Report, para. 399, which states that the police might have been in the midst of "morning sport exercise."

[29]. Yotam Feldman and Uri Blau, "How IDF Legal Experts Legitimized Strikes Involving Gaza Civilians," Haaretz (22 January 2009); Amos Harel, "Shooting and Crying," Haaretz (19 March 2009).

[30]. Al Mezan Center for Human Rights, Bearing the Brunt Again: Child rights violations during Operation Cast Lead (September 2009), p. 28; Human Rights Watch, Precisely Wrong: Gaza civilians killed by Israeli drone-launched missiles (30 June 2009), pp. 14–17. HRW found that "no Palestinian fighters were active on the street or in the immediate area just prior to or at the time of the attack" on the college students.

[31]. International Crisis Group, Ending the War in Gaza (5 January 2009), p. 18.

[32]. Asa Kasher, “Operation Cast Lead and Just War Theory,” Azure (Summer 2009), p. 51.

[33]. Amos Harel and Avi Issacharoff, “Israel and Hamas Are Both Paying a Steep Price in Gaza,” Haaretz (10 January 2009); Ari Shavit, “Analysis: Israel’s victories in Gaza make up for its failures in Lebanon,” Haaretz (12 January 2009); Guy Bechor, “A Dangerous Victory,” ynetnews.com (12 January 2009; http://tinyurl.com/c7gn7e).

[34]. Thomas L. Friedman, “Israel’s Goals in Gaza?,” New York Times (14 January 2009).

[35]. Human Rights Watch, Why They Died: Civilian casualties in Lebanon during the 2006 war (New York: 2007), pp. 5, 14, 40–41, 45–46, 48, 51, 53.

[36]. Stephen Biddle and Jeffrey A. Friedman, The 2006 Lebanon Campaign and the Future of Warfare: Implications for army and defense policy (Carlisle, PA: 2008), pp. 43–45.

[37]. Human Rights Watch, Civilian Pawns: Laws of war violations and the use of weapons on the Israel-Lebanon border (New York: 1996); Maoz, Defending the Holy Land, pp. 213–14, 224–25, 252; Augustus Richard Norton, Hezbollah: A short history (Princeton: 2007), pp. 77, 86.

[38]. Judith Palmer Harik, Hezbollah: The changing face of terrorism (London: 2004), pp. 167–68.

[39]. Human Rights Watch, Civilians Under Assault: Hezbollah’s rocket attacks on Israel in the 2006 war (New York: 2007), p. 100. HRW asserts that Hezbollah rocket attacks on Israeli civilians were not retaliatory but provides no supporting evidence.

[40]. International Crisis Group, Gaza’s Unfinished Business (April 2009), p.19n198.

[41]. Ibid., pp. 7–8.

[42]. Gideon Levy, “The IDF Has No Mercy for the Children in Gaza Nursery Schools,” Haaretz (15 January 2009).

[43]. Glenn Greenwald, “Tom Friedman Offers a Perfect Definition of ‘Terrorism,’” Salon.com (14 January 2009; http://tinyurl.com/axu88g).

[44]. “Memorandum for the Record” (17 November 1968), n. 13, Foreign Relations of the United States, 1964–1968.

[45]. International Crisis Group, Gaza’s Unfinished Business, p. 19.

[46]. Noam Chomsky, The Fateful Triangle: The United States, Israel and the Palestinians (Boston: 1983), chapter 3; Norman G. Finkelstein, Beyond Chutzpah: On the misuse of anti-Semitism and the abuse of history (Berkeley: 2005; expanded paperback edition, 2008), pp. 337–41.

[47]. The relevant portion of the resolution varies slightly from year to year. I am quoting from the 2009 text (A/64/L.23).

[48]. Final Communiqué of the Twenty-Ninth Session of the Islamic Conference of Foreign Ministers (Session of Solidarity and Dialogue), Khartoum— Republic of the Sudan (25–27 June 2002). It should also be noted that Iran has consistently voted with the majority in the annual U.N. General Assembly resolution.

[49]. Robin Shepherd, A State Beyond the Pale: Europe’s problem with Israel (London: 2009), p. 205.

[50]. For details and analysis, see Finkelstein, Beyond Chutzpah, pp. xxi–xxii, 227–70.

[51]. Ibid., p. 200.

[52]. See also ibid., pp. xxii–xxiii, 349–51.

[53]. “Human Rights Watch Urges Attention to Future of Palestinian Refugees” (21 December 2000; www.hrw.org/en/news/2000/12/21/human-

rights-watch-urges-attention-future-palestinian-refugees); “Israel, Palestinian Leaders Should Guarantee Right of Return as Part of Comprehensive Refugee Solution” (21 December 2000; www.hrw.org/en/news/2000/12/21/israel-palestinian-leaders-should-guarantee-right-return-part-comprehensive-refugee-).Amnesty International, The Right to Return: The Case of the Palestinians. Policy Statement (London: 29 March 2001).

[54]. Norman G. Finkelstein, Dennis Ross and the Peace Process: Subordinating Palestinian rights to Israeli “needs” (Washington, D.C.: 2007).

[55]. Paul Scham and Osama Abu-Irshaid, Hamas: Ideological rigidity and political flexibility, United States Institute of Peace Special Report (Washington, D.C.: June 2009), pp. 2–4. See also Khaled Hroub, “A ‘New Hamas’ through Its New Documents,” Journal of Palestine Studies (Summer 2006), Jeroen Gunning, Hamas in Politics: Democracy, religion, violence (New York: 2008), pp. 205–6, 236–37, and Jerome Slater, “A Perfect Moral Catastrophe: Just War philosophy and the Israeli attack on Gaza,” Tikkun, March–April 2009 (a longer and fully footnoted version of this article is posted on www.Tikkun.com), subsection headed “A political settlement with Hamas?”. Hamas’s political evolution retraced the PLO’s, in which the call for a state in the whole of Palestine was superseded by a “phased” liberation of Palestine starting with a state in the West Bank and Gaza, and finally acquiescence in a two-state settlement (Shaul Mishal and Avraham Sela, The Palestinian Hamas: Vision, violence, and coexistence (New York: 2006), pp. 108–10). Any Palestinian movement seriously vying for political influence cannot but eventually come to terms with the exigency of a strong international consensus favoring a two-state settlement.

[56]. Mouin Rabbani, “A Hamas Perspective on the Movement’s Evolving Role: An interview with Khalid Mishal, Part II,” Journal of Palestine Studies (Summer 2008).

[57]. Gianni Perrelli, “Con Israele non sarà mai pace” (Interview with Khalid Mishal), L’espresso (26 February 2009; http://tinyurl.com/clcw8q).

[58]. Jimmy Carter, We Can Have Peace in the Holy Land: A plan that will work (New York: 2009), pp. 137, 177.

[59]. Khaled Hroub, Hamas: Political thought and practice (Washington, D.C.:2000), p. 44 (see also ibid., p. 254); Sherifa Zuhur, Hamas and Israel: Conflicting strategies of group-based politics (Carlisle, PA: 2008), pp.29–31 (this study was published by the Strategic Studies Institute of the U.S. Army War College). See also Gunning, Hamas in Politics, pp. 19–20.

[60]. "What Hamas Wants," Mideast Mirror (22 December 2008).

[61]. Benny Morris, One State, Two States: Resolving the Israel/Palestine conflict (New Haven: 2009), pp. 166, 174–75, 204n5.

[62]. "Transcript: Netanyahu Speech on Israel-Palestine," enduringamerica .com (14 June 2009; http://tinyurl.com/y8hdq89); "Address by Prime Minister Benjamin Netanyahu to the United Nations General Assembly General Debate—64th Session," mfa.gov.il (24 September 2009; http://tinyurl.com/yacovms).

[63]. John Dugard, Recognition and the United Nations (Cambridge: 1987), p. 62.

[64]. Dennis Ross and David Makovsky, Myths, Illusions and Peace: Finding a new direction for America in the Middle East (New York: 2009), p. 16.

[65]. "Talk with Norman Cliff" (29 June 1946), in The Collected Works of Mahatma Gandhi (Ahmedabad), v. 84, p. 385, "Speech at Prayer Meeting" (10 June 1947), in ibid., v. 88, pp. 123–26, "Speech at Prayer Meeting" (5 July 1947), in ibid., v. 88, p. 281; see also "Answers to Questions" (23 September 1946), in ibid., v. 85, p. 367, "A Talk" (7 May 1947), in ibid., v. 87, p. 426, "Speech at Prayer Meeting" (7 May 1947), in ibid., v.87, pp. 432–33, "A Letter" (2 June 1947), in ibid., v. 88, p. 63, "Speech at Prayer Meeting" (11 June 1947), in ibid., v. 88, p. 134, "Speech at Prayer Meeting" (24 June 1947), in ibid., v. 88, p. 204, "Speech at Prayer Meeting" (28 July 1947), in ibid., v. 88, p. 452, "Speech at Prayer Meeting" (30 July 1947), in

ibid., v. 88, p. 466, “Interview with Randolph Churchill” (30 August 1947), in ibid., v. 89, p. 118.

66. Scham and Abu-Irshaid, Hamas, p. 7 (emphasis in original); Mishal and Sela, Palestinian Hamas, p. xxiii.

67. Dan Izenberg, “Aharon Barak: W. Bank is occupied territory,” Jerusalem Post (25 June 2009).

68. Zuhur, Hamas and Israel, pp. ix, 14.

69. Intelligence and Terrorism Information Center at the Israel Intelligence Heritage and Commemoration Center, The Six Months of the Lull Arrangement (December 2008), pp. 2, 6, 7. According to Egyptians who brokered the ceasefire, it provided for an immediate cessation of armed hostilities; a gradual lifting of the economic blockade that, after ten days, would allow for the passage of all products, except materials used in the manufacture of projectiles and explosives; and negotiations after three weeks for a prisoner exchange and the opening of Rafah crossing (see International Crisis Group, Ending the War in Gaza, p. 3; Carter, We Can Have Peace, pp. 137–38).

70. “Hamas Wants Better Terms for Truce,” Jerusalem Post (21 December 2008); Bradley Burston, “Can the First Gaza War Be Stopped before It Starts?,” Haaretz (22 December 2008). Diskin told the Israeli cabinet that Hamas would renew the truce if Israel lifted the siege of Gaza, stopped military attacks, and extended the truce to the West Bank.

71. Richard N. Haass and Martin Indyk, “Beyond Iraq: A new U.S. strategy for the Middle East,” and Walter Russell Mead, “Change They Can Believe In: To make Israel safe, give Palestinians their due,” in Foreign Affairs (January–February 2009).

72. The Jewish People Policy Planning Institute, Annual Assessment 2008 (Jerusalem: 2008), p. 27.

[73]. Hezbollah Secretary General Sayyed Hassan Nasrallah's Speech Delivered at the Central Ashura Council, 31 December 2008.

[74]. Mishal and Sela, Palestinian Hamas, p. 14.

[75]. Chomsky, Fateful Triangle, chapters 3, 5.

[76]. Yehuda Lukacs, ed., The Israeli-Palestinian Conflict: A documentary record, 1967–1990 (Cambridge: 1992), pp. 477–79.

[77]. Yehoshaphat Harkabi, Israel's Fateful Hour (New York: 1988), p. 101.

[78]. Avner Yaniv, Dilemmas of Security: Politics, strategy and the Israeli experience in Lebanon (Oxford: 1987), pp. 20–23, 50–54, 67–70, 87–89, 100–1, 105–6, 113, 143, 294n46. Robert Fisk, Pity the Nation: The abduction of Lebanon (New York: 1990), pp. 197, 232. In his recent history of the "peace process," Martin Indyk, former U.S. ambassador to Israel, provides this capsule summary of the sequence of events just narrated: "In 1982, Arafat's terrorist activities eventually provoked the Israeli government of Menachem Begin and Ariel Sharon into a full-scale invasion of Lebanon" (Martin Indyk, Innocent Abroad: An intimate account of American peace diplomacy in the Middle East (New York: 2009), p. 75).

[79]. Saed Bannoura, "Livni Calls for a Large Scale Military Offensive in Gaza," IMEMC & Agencies (10 December 2008; http://tinyurl.com/chqtk7).

[80]. Uri Blau, "IDF Sources: Conditions not yet optimal for Gaza exit," Haaretz (8 January 2009); Barak Ravid, "Disinformation, Secrecy, and Lies: How the Gaza offensive came about," Haaretz (28 December 2008).

[81]. Nancy Kanwisher, Johannes Haushofer, and Anat Biletzki, "Reigniting Violence: How do ceasefires end?," Huffington Post (6 January 2009; http://tinyurl.com/dfujv3).

[82]. Slater, "A Perfect Moral Catastrophe" (subsection headed "A ceasefire"). To prove that Hamas is driven by murderous ideology rather than

pragmatism and “legitimate grievance,” Ross and Makovsky point to its rocket attacks after Israel’s 2005 Gaza redeployment:

During Hamas’s rise to power (January 2006 to April 2008), more than 2,500 rockets were launched from Gaza, landing in Israeli cities and villages. Israel no longer occupies Gaza, but the rockets have largely continued—under Hamas’s control. Some say that the rockets are a response to Israeli retaliation. But it is easy to disprove this. If there were no rockets, the odds are very high that Israel would have no reason to retaliate. Even during periods without retaliation, the rocket fire has continued. (Myths, Illusions and Peace, p. 255; cf. ibid., pp. 138–39, 243, 252)

Having restored the factual record, their proof is easy to disprove: leaving aside that Israel continued to occupy and then imposed an illegal blockade on Gaza, it was Israel, not Hamas, that “overwhelmingly” broke the ceasefires.

[83]. Zvi Bar’el, “Crushing the Tahadiyeh,” Haaretz (16 November 2008); Uri Avnery, “The Calculations behind Israel’s Slaughter of Palestinians in Gaza,” redress.cc (2 January 2009; http://tinyurl.com/a6pzlx).

[84]. Amnesty International annual report 2009 entry for Israel and the Occupied Palestinian Territories; see also Human Rights Watch, Rockets from Gaza: Harm to civilians from Palestinian armed groups’ rocket attacks (New York: August 2009), p. 2.

[85]. Intelligence and Terrorism Information Center, Six Months, p. 3.

[86]. “Gaza Residents ‘Terribly Trapped,’” BBC News (4 November 2008; www.bbc.co.uk).

[87]. Sara Roy, “If Gaza Falls... ,” London Review of Books (1 January 2009).

[88]. International Crisis Group, Ending the War in Gaza, pp. 3, 10–11.

[89]. Burston, “Can the First Gaza War.”

[90]. Khalid Mishal, “This Brutality Will Never Break Our Will to Be Free,” Guardian (6 January 2009).

[91]. It was not the first time Israel sought to provoke Hamas after it mooted a modus vivendi. Two Israeli academic authorities on Hamas recalled that in September 1997, just days before an abortive Israeli assassination attempt on Khalid Mishal, “Jordan’s King Hussein delivered a message from the Hamas leadership to Israel’s Prime Minister Benjamin Netanyahu. In it Hamas suggested opening an indirect dialogue with the Israeli government, to be mediated by the king, toward achieving a cessation of violence, as well as a ‘discussion of all matters.’ But the message was ignored or missed and, in any case, became irrelevant following the attempt” on the Hamas leader’s life (Mishal and Sela, Palestinian Hamas, p. 72; see also Paul McGeough, Kill Khalid:
The failed Mossad assassination of Khalid Mishal and the rise of Hamas (New York: 2009), esp. pp. 141, 146, 226).

CHAPTER THREE

[1]. Anthony H. Cordesman, The “Gaza War”: A strategic analysis (Washington, D.C.: 2 February 2009; “Final Review Draft”).

[2]. Cordesman currently holds the Arleigh A. Burke Chair in Strategy at the Center for Strategic and International Studies and is a national security analyst for ABC News.

[3]. Cordesman, “Gaza War,” p. ii. He allowed only that Israel might have unjustifiably hit “some” civilian targets “like an UNRWA [United Nations Relief and Works Agency] school where 42 Palestinians died.”
These civilian targetings rated a two-sentence mention in his 92-page report. “There is no evidence that any abuses of the other narrow limits imposed by [the] laws of war occurred,” he continued, “aside from a few limited cases,” and the “only significant incident that had as yet emerged was the possible misuse of 20 phosphorus shells in built up areas in Beit Lahiya.” (ibid., pp. 63–64)

[4]. Ibid., p. ii.

[5]. The ensuing exposition is limited narrowly to violations of international humanitarian and human rights law resulting directly from Operation Cast Lead. Some human rights reports also documented indirect violations, such as Hamas repression of Fatah members in Gaza and Palestinian Authority repression of Hamas members in the West Bank, as well as Israel's repression of dissent in Israel and the West Bank and its failure to provide air-raid shelters for Bedouins in southern Israel.

[6]. Amnesty International, Operation "Cast Lead": 22 Days of death and destruction (London: July 2009), p. 4. Although the Goldstone Mission reported that it was "faced with a certain reluctance by the persons it interviewed in Gaza to discuss the activities of the armed groups," it concluded that Palestinian testimonies could be vetted for accuracy:
Taking into account the demeanor of witnesses, the plausibility of their accounts and the consistency of these accounts with the circumstances observed by it and with other testimonies, the Mission was able to determine the credibility and reliability of those people it heard.... The final conclusions on the reliability of the information received were made taking all of these matters into consideration, cross-referencing the relevant material and information, and assessing whether, in all the circumstances, there was sufficient information of a credible and reliable nature for the Mission to make a finding in fact." (Report of the United Nations Fact Finding Mission on the Gaza Conflict (25 September 2009), paras. 35, 170–71, 440, hereafter: Goldstone Mission Report)
The somewhat discrepant experiences of Amnesty and the Goldstone Mission might be accounted for by the higher profile of the Mission, which prompted greater intrusion by Hamas and greater circumspection by the population.

[7]. The State of Israel, The Operation in Gaza, 27 December 2008–18 January 2009: Factual and legal aspects (July 2009), para. 34.

[8]. Ibid., p. 52n139.

[9]. Ibid., paras. 22, 25.

[10]. Goldstone Mission Report, paras. 1107–64 passim.

[11]. State of Israel, Operation in Gaza, paras. 161, 174–75, 192.

[12]. Lorenzo Cremonesi, “Così i ragazzini di Hamas ci hanno utilizzato come bersagli,” Corriere della Sera (21 January 2009); “Palestinians Confirm Hamas War Crimes, Refute Gaza Death Toll,” Israel Today (22 January 2009). See below for death toll figures of human rights organizations and Israel.

[13]. State of Israel, Operation in Gaza, paras. 200–2.

[14]. Uzi Benziman, “Until Proved Otherwise,” Haaretz (18 June 2006).B. Michael, “Of Liars and Hunters,” Yediot Ahronot (3 September 2005); B. Michael, “Stop the Lying!,” Yediot Ahronot (5 September 2008).

[15]. Kenneth Roth, “The Incendiary IDF,” Human Rights Watch (22 January 2009; http://tinyurl.com/ddchkd).

[16]. Ben Wedeman, “Group Accuses Israel of Firing White Phosphorus into Gaza,” CNN (12 January 2009; http://tinyurl.com/7rtcxt); Robert Marquand and Nicholas Blanford, “Gaza: Israel under fire for alleged white phosphorus use,” Christian Science Monitor (14 January 2009).

[17]. B’Tselem (Israeli Information Center for Human Rights in the Occupied Territories), “Military Rejects Horrific Results of Use of White Phosphorus in Operation Cast Lead” (21 May 2009).

[18]. Amira Hass, “In the Rockets’ Red Glare,” Haaretz (15 January 2009).

[19]. Cordesman, “Gaza War,” pp. 20, 27.

[20]. Ibid., pp. 20–27 passim, 42–57 passim.

[21]. Ibid., p. 22.

[22]. B’Tselem (Israeli Information Center for Human Rights in the Occupied Territories), “Suspicion: Bombed truck carried oxygen tanks and not grad rockets” (31 December 2008; http://tinyurl.com/8scpfo).

[23]. Human Rights Watch, Precisely Wrong: Gaza civilians killed by Israeli drone-launched missiles (30 June 2009), pp. 17–21.

[24]. Cordesman, “Gaza War,” pp. 58, 62.

[25]. Ibid., p. 58; Amos Harel, “Israel: Two-thirds of Palestinians killed in Gaza fighting were terrorists,” Haaretz (13 February 2009); Yaakov Katz, “IDF: World duped by Hamas’s false civilian death toll figures,” Jerusalem Post (15 February 2009).

[26]. William Arkin, Divining Victory: Airpower in the 2006 Israel-Hezbollah war (Maxwell Air Force Base, AL: 2007), p. 74.

[27]. Human Rights Watch, Why They Died: Civilian casualties in Lebanon during the 2006 war (New York: 2007), pp. 76, 79; Mitchell Prothero, “Hizbollah Builds Up Covert Army for a New Assault against Israel,” Observer (27 April 2008); Alastair Crooke and Mark Perry, “How Hezbollah Defeated Israel; Part 2, Winning the Ground War,” Asia Times (13 October 2006).

[28]. Cordesman, “Gaza War,” pp. 1–3.

[29]. Ibid., pp. 1, 10.

[30]. Ibid., p. 2.

[31]. Ibid.

[32]. Duncan Kennedy, “A Context for Gaza,” Harvard Crimson (2 February 2009).

[33]. Cordesman, “Gaza War,” pp. 16–17.

[34]. Ibid., p. 63.

[35]. State of Israel, Operation in Gaza, paras. 6, 8, 84, 115, 222–23.

[36]. Amos Harel, “What Did the IDF Think Would Happen in Gaza?,” Haaretz (27 March 2009).

[37]. Amos Harel, “Testimonies on IDF Misconduct in Gaza Keep Rolling In,” Haaretz (22 March 2009).

[38]. Amos Harel, “IDF Officer: ‘It will take many years to restore’ bombwracked Gaza,” Haaretz (7 January 2009).

[39]. State of Israel, Operation in Gaza, para. 232.

[40]. Amos Harel, “Shooting and Crying,” Haaretz (19 March 2009); Anshel Pfeffer, “Gaza Soldiers Speak Out,” Jewish Chronicle (5 March 2009); Breaking the Silence, Soldiers’ Testimonies from Operation Cast Lead, Gaza 2009 (Jerusalem: June 2009), pp. 20, 22, 24, 27, 29, 30, 50, 51, 56, 62, 72. The Goldstone Mission Report denied the army premise that Palestinian civilians would have already fled areas under Israeli assault (para. 522); on this point, see also Public Committee Against Torture in Israel (PCATI), No Second Thoughts: The changes in the Israeli Defense Forces’ combat doctrine in light of “Operation Cast Lead” (Jerusalem: November 2009), pp. 18–19.

[41]. Harel, “What Did the IDF Think.”

[42]. Margaret Coker, “Gaza’s Isolation Slows Rebuilding Efforts,” Wall Street Journal (5 February 2009); United Nations Office for the Coordination of Humanitarian Affairs (OCHA), The Humanitarian Monitor (January 2009); Ethan Bronner, “Amid the Destruction, a Return to Life in Gaza,” New York Times (25 January 2009); United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “Tough Times For University Students in Gaza” (26 March 2009; http://tinyurl.com/dkzepl); Reporters Without Borders, Operation “Cast Lead”: News control as military objective (February 2009); Al Mezan Center for Human Rights, Bearing the Brunt Again: Child rights violations during Operation Cast Lead (September 2009), pp. 10, 62, 81; Amnesty International et al., Failing Gaza: No rebuilding, no recovery, no more excuses (December 2009), p. 9. Between the destruction wrought during the invasion and Israel’s expansion

of its “buffer zone” in Gaza after the invasion, nearly half of Gaza’s agricultural land had been put out of production a year later.

[43]. Goldstone Mission Report, paras. 50, 913–941. The Mission concluded that the “only purpose” of the attack “was to put an end to the production of flour in the Gaza Strip,” and “destroy the local capacity to produce flour.” One year after the invasion Israel continued to block cement deliveries to rebuild the flour mill (Amnesty International et al., Failing Gaza, p. 6).

[44]. Amnesty International, Operation “Cast Lead,” p. 62; Goldstone Mission Report, paras. 51, 942–61 (the Mission concluded that “this constituted a deliberate act of wanton destruction not justified by any military necessity”).

[45]. Amir Mizroch, “Analysis: Grappling with Goldstone,” Jerusalem Post (18 September 2009); see also Israel Ministry of Foreign Affairs, “Israel Gaza FAQ: Goldstone Mission” (http://tinyurl.com/yar9daq).

[46]. Amnesty International et al., Failing Gaza, p. 7.

[47]. Ibid.; Report on UNCTAD Assistance to the Palestinian People: Developments in the economy of the occupied Palestinian territory (7 August 2009), para. 20.

[48]. Amnesty International, Operation “Cast Lead,” p. 66; see also Human Rights Watch, Rockets from Gaza: Harm to civilians from Palestinian armed groups’ rocket attacks (New York: August 2009), pp. 2, 20, reporting that a synagogue, school, and kindergarten were damaged; see also Goldstone Mission Report, paras. 1659–61.

[49]. State of Israel, Operation in Gaza, p. 17n27.

[50]. Breaking the Silence, Soldiers’ Testimonies, pp. 26, 59, 60, 85, 101.

[51]. Uri Blau, “Dead Palestinian Babies and Bombed Mosques—IDF Fashion 2009,” Haaretz (20 March 2009).

[52]. State of Israel, Operation in Gaza, para. 71.

[53]. Breaking the Silence, Soldiers' Testimonies, pp. 69, 83.

[54]. Amnesty International, Operation "Cast Lead," p. 55.

[55]. Report of the Independent Fact Finding Committee on Gaza: No safe place.
Presented to the League of Arab States (30 April 2009), paras. 300, 372–87. (Hereafter: Dugard Committee Report.) See also Goldstone Mission Report, paras. 53, 351, 1004, 1207, 1319.

[56]. State of Israel, Operation in Gaza, para. 445.

[57]. International Crisis Group, Gaza's Unfinished Business (April 2009), p.2. Apparently referring to this same zone, Amnesty reported that it "looked as if it had been wrecked by an earthquake" (Operation "Cast Lead," p. 61).

[58]. Cordesman, "Gaza War," p. 49.

[59]. Amos Harel, "IDF Probe: Cannot defend destruction of Gaza homes," Haaretz (15 February 2009). On the massive destruction of Palestinian dwellings Amnesty reported:
Many of the houses destroyed during Operation "Cast Lead" had been raided or temporarily taken over by Israeli soldiers during incursions in recent years. It is unlikely that Hamas or other Palestinian groups would have located their command centers, rocket manufacturing workshops or weapons stores in the areas most accessible [to] and most easily overrun by Israeli troops....
The fact that the soldiers used [antitank mines]—which required them to leave their tanks, walk between buildings and enter houses in order to place the explosive charges inside the houses along the supporting walls—indicates that they felt extremely confident that there were no Palestinian gunmen inside or around the houses. It also indicates their confidence that there were no tunnels under the houses which gunmen could use to capture them, and that the houses were not booby-trapped. (Operation "Cast Lead,"

p. 56)
The Goldstone Mission Report divided the house destruction chronologically: “a first phase of extensive destruction of housing for the ‘operational necessity’ of the advancing Israeli forces in these areas was followed by a period of relative idleness on the part of the Israeli bulldozers and explosives engineers. But during the last three days, aware of their imminent withdrawal, the Israeli armed forces engaged in another wave of systematic destruction of civilian buildings” (paras. 990–1004, 1323). The Al Mezan Center for Human Rights reported that “at least 1,732 shelters” were destroyed “after the end of hostilities when they had come under Israel’s effective control, [which] indicates that they could no longer be military objectives or near any other legitimate military targets, and should therefore have been respected as civilian objects” (Al Mezan, Bearing the Brunt, pp.80–94).

[60]. Goldstone Mission Report, para. 1205; International Crisis Group, Gaza’s Unfinished Business, p. 19.

[61]. Cordesman, “Gaza War,” p. 18.

[62]. Both the Israeli press releases cited by Cordesman, “Gaza War,” pp. 24, 26, and State of Israel, Operation in Gaza, p. 61n161, para. 234, alleged secondary explosions only in the cases of two mosques targeted respectively on 31 December 2008 and 1 January 2009.

[63]. The Goldstone Mission Report cautiously concluded, “Although the situations investigated by the Mission did not establish the use of mosques for military purposes or to shield military activities, the Mission cannot exclude that this might have occurred in other cases” (paras. 36, 464–65, 486, 497, 822–843, 1953). In a pair of articles, B’Tselem executive director Jessica Montell alleged that the Goldstone Report was insufficiently critical of Hamas because it “ignored” evidence contradicting its tentative conclusion on Hamas’s use of mosques for military purposes. Despite repeated requests and a protracted correspondence, however, Montell was unable to substantiate her allegation. Jessica Montell, “A Time for Soul-Searching,” Jerusalem Post (30 September 2009); Jessica Montell, “The

Goldstone Report on Gaza," Huffington Post (1 October 2009; http://tinyurl.com/ykgfqkw).

[64]. Dugard Committee Report, paras. 349–53, 498, 502; see also Amnesty International, Operation "Cast Lead," p. 15.

[65]. Breaking the Silence, Soldiers' Testimonies, p. 70.

[66]. Dugard Committee Report, para. 347.

[67]. Goldstone Mission Report, para. 1273.

[68]. State of Israel, Operation in Gaza, para. 158.

[69]. Goldstone Mission Report, paras. 54, 61, 1180, 1182, 1185–91, 1891; Cordesman, "Gaza War," p. 18.

[70]. Amnesty International, Operation "Cast Lead," p. 55.

[71]. Cordesman, "Gaza War," p. 17.

[72]. State of Israel, Operation in Gaza, paras. 8, 17, 24, 138, 141, 154, 262–65.

[73]. Dugard Committee Report, para. 13 of Executive Summary; paras. 283–299, 467–68, 483, 490. On a related note the Committee observed:

In order to provide a meaningful warning by telephone, the IDF would have to be aware not only of the telephone numbers of the residents of Gaza, but more importantly of the numbers of the residents in a particular building or area. The Committee is not aware of how the IDF managed to obtain and confirm this information when the majority of telephones in Gaza are mobile or cell phones and are not associated with a particular address or location, and when the utility of advising someone to vacate on their mobile phone requires knowledge of their actual location. (ibid., para. 293; see also ibid., para. 467)

For a "clearly documented and large-scale case, reported in real time, that the IDF only paid lip service regarding the warnings to civilians to

minimize damage," see PCATI, No Second Thoughts, pp. 17–18. See also Human Rights Watch, White Flag Deaths: Killings of Palestinian Civilians during Operation Cast Lead (New York: August 2009), p. 5, and Goldstone Mission Report, paras. 37, 501–2, 511, 515, 531–42 (the Mission allowed that the warnings might have been effective in "some" instances).

[74]. Jeremy Bowen, "Gaza Stories: Israeli minister," interview with Meir Sheetrit, BBC News, http://news.bbc.co.uk/2/hi/middle_east/7878711.stm; Amnesty International, Operation "Cast Lead," pp. 3, 50–51. State of Israel, Operation in Gaza, reported "more than 165,000 phone calls warning civilians to distance themselves from military targets" (paras. 8, 264), while the IDF's most senior legal advisor alleged that "more than 250,000" calls were made. Yaakov Katz, "Security and Defense:
Waging war on the legal front," Jerusalem Post (18 September 2009).

[75]. State of Israel, Operation in Gaza, paras. 86, 266.

[76]. Cordesman, "Gaza War," p. 64.

[77]. Ibid., p. 37.

[78]. OCHA, Humanitarian Monitor. See also Amnesty International, Operation "Cast Lead," pp. 51–53.

[79]. Hazem Balousha and Chris McGreal, "Tanks, Rockets, Death and Terror: A civilian catastrophe unfolding," Guardian (5 January 2009).

[80]. Cordesman, "Gaza War," p. 64.

[81]. Goldstone Mission Report, paras. 72, 317, 1297, 1315; see also para. 1299 for Israeli misrepresentation of the amounts and types of humanitarian provisions it allowed into Gaza.

[82]. Human Rights Watch, "Choking Gaza Harms Civilians" (18 February 2009); United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "Field Update on Gaza from the Humanitarian Coordinator" (10–

16 March 2009). See also Amira Hass, “Israel Bans Books, Music, and Clothes from Entering Gaza,” Haaretz (17 May 2009).

[83]. Amnesty International et al., Failing Gaza, pp. 3, 6, 10, 12.

[84]. U.N. News Center, “Opening Remarks at Press Conference” (20 January 2009).

[85]. U.N. General Assembly, Letter dated 4 May 2009 from the SecretaryGeneral addressed to the President of the Security Council: Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009 (15 May 2009), A/63/855S/2009/250, paras. 10–28, 46–67, 77–84, 97, 100, 107. Opting to bar public scrutiny of the actual report, Secretary-General Ban Ki-moon released only a summary of the board’s findings.

[86]. Barak Ravid, “Peres Tells Ban: Israel will never accept UN Gaza probe,” Haaretz (7 May 2009); Barak Ravid, “Barak: IDF did not mean to shoot at UN facilities in Gaza,” Haaretz (5 May 2009).

[87]. Cordesman, “Gaza War,” p. 66.

[88]. After the invasion ended on 18 January, Israel opened a “humanitarian clinic” at the Erez crossing, but by this time the medical emergency had passed and Palestinian officials ignored the clinic, believing—as did many others, including Physicians for Human Rights-Israel—that it was an Israeli publicity stunt. On 28 January Israel announced the closure of the clinic due to the absence of patients. See Physicians for Human Rights-Israel, “Ill Morals”: Grave violations of the right to health during the Israeli assault on Gaza (March 2009), pp. 23, 51. I am grateful to Mahmoud AbuRahma of the Al Mezan Center for Human RightsGaza for clarifying these details.

[89]. Physicians for Human Rights-Israel, Holding Health to Ransom: GSS interrogation and extortion of Palestinian patients at Erez crossing (August 2008).

[90]. State of Israel, Operation in Gaza, para. 274.

[91]. Physicians for Human Rights-Israel, “Ill Morals.”

[92]. Al Mezan Center for Human Rights, “Yet Another Child Casualty Due to Israel’s Closure Policies” (Gaza: 18 March 2009).

[93]. “Gaza: ICRC demands urgent access to wounded as Israeli army fails to assist wounded Palestinians” (8 January 2009; http://tinyurl.com/dgq7xh).

[94]. Cordesman, “Gaza War,” p. 64.

[95]. State of Israel, Operation in Gaza, para. 274.

[96]. B’Tselem (Israeli Information Center for Human Rights in the Occupied Territories), Guidelines for Israel’s Investigation into Operation Cast Lead, 27 December 2008–18 January 2009 (Jerusalem: 8 February 2009), p. 14.

[97]. Al Mezan, Bearing the Brunt, p. 32.

[98]. Cordesman, “Gaza War,” p. 65.

[99]. B’Tselem, Guidelines, p. 16. See also Norman G. Finkelstein, Beyond Chutzpah: On the misuse of anti-Semitism and the abuse of history (Berkeley: 2005; expanded paperback edition, 2008), pp. 128–30.

[100]. Human Rights Watch, Why They Died, p. 160.

[101]. Jan McGirk, “Gaza’s Health and Humanitarian Situation Remains Fragile,” Lancet (4 February 2009); Amnesty International et al., Failing Gaza, p. 11.

[102]. Physicians for Human Rights-Israel, “Ill Morals.”

[103]. Sebastian Van As et al., Final Report: Independent fact-finding mission into violations of human rights in the Gaza Strip during the period 27.12.2008—18.01.2009 (Brussels: April 2009).

[104]. Amnesty International, Operation “Cast Lead,” p. 43; Goldstone Mission Report, paras. 36, 466–74, 487.

[105]. State of Israel, Operation in Gaza, paras. 7, 23, 131, 141, 154–55, 163, 171– 80, 260–61, 370–80 (emphasis in original). Benny Morris, “Derisionist History,” New Republic (28 November 2009). The Magen David Adom testimony is cited in Goldstone Mission Report, para. 473.

[106]. Cordesman, “Gaza War,” pp. 8–9.

[107]. Ibid., p. 27.

[108]. Ibid., pp. ii, 1, 15–16, 18, 19, 28, 38, 40, 57.

[109]. Ibid., pp. 15ff.

[110]. State of Israel, Operation in Gaza, paras. 4, 59, 73–82 (photograph at para. 81; my emphasis); see also photographs at paras. 241–42.

[111]. Cordesman, “Gaza War,” pp. 10, 16, 28, 39, 42.

[112]. Ibid., pp. 27, 57.

[113]. Ibid., p. 41; Reuven Pedatzur, “The War That Wasn’t,” Haaretz (25 January 2009).

[114]. Pedatzur, “War That Wasn’t.”

[115]. International Crisis Group, Gaza’s Unfinished Business, pp. 2, 21 (see also ibid., pp. 8n82, 19); Amnesty International, Operation “Cast Lead,” p. 56.

[116]. Breaking the Silence, Soldiers’ Testimonies, pp. 25, 36, 47, 54, 60, 68, 71, 77, 80, 90.

[117]. Goldstone Mission Report, para. 459.

[118]. Dugard Committee Report, para. 214.

[119]. Moshe Halbertal, “The Goldstone Illusion: What the U.N. report gets wrong about Gaza—and war,” New Republic (6 November 2009). In a notorious 2002 political assassination of a Hamas leader, Israel killed 14 Palestinian civilians, nine of them children, after dropping a oneton bomb in the middle of a densely populated Gazan neighborhood (see Finkelstein, Beyond Chutzpah, pp. 105–6). Yet in Halbertal’s cynical rendering, echoing the Israeli chief of staff, “the collateral deaths were not only unintentional, they were not even foreseeable” because “the innocent people who were killed lived in shacks in the backyard of the building, which, in aerial photographs, looked like storage units.”

[120]. I return to this point in the next chapter.

[121]. Palestinian Center for Human Rights, “Confirmed Figures Reveal the True Extent of the Destruction Inflicted upon the Gaza Strip” (12 March 2009); Al Mezan Center for Human Rights, “Cast Lead Offensive in Numbers” (2 August 2009); “B’Tselem’s Investigation of Fatalities in Operation Cast Lead” (9 September 2009); Al Mezan, Bearing the Brunt, p. 16; Amnesty International et al., Failing Gaza, p. 7. Israeli officials alleged that total Palestinian deaths came to 1,166 of whom at least 60 percent were “terrorists.” The discrepancy in the ratio of Palestinian combatant to civilian deaths partly results from disagreement on the proper classification of Gazan police. The consensus of human rights organizations was that these police should overwhelmingly be classified as civilians because they did not take a direct part in hostilities and were not members of Palestinian armed groups.
The overall veracity of Israeli figures could be tested on the basis of the “under 16” sub-classification. Whereas Israel alleged that 89 Palestinians under age 16 were killed, B’Tselem reported that 252 Palestinians under 16 were killed and that it “has copies of birth certificates and death certificates along with other documents regarding the vast majority of the minors who were killed.” For a critical analysis of Israeli casualty figures, see PCATI, No Second Thoughts, pp. 9–11. The study showed that Israel abruptly altered the figures it tabulated for Palestinian deaths, and it concluded that

“the casualty estimates provided by other sources (around 1,400 killed) are more credible than those provided by the IDF Spokesperson.”

[122]. Human Rights Watch, Rockets from Gaza.

[123]. State of Israel, Operation in Gaza, paras. 42–46; see also Asa Kasher, “Operation Cast Lead and Just War Theory,” Azure (Summer 2009), pp.>52–53. The Goldstone Mission Report regrettably adopted this line of argument (paras. 110, 1598, 1901).

[124]. Goldstone Mission Report, para. 545.

[125]. Kasher, “Operation Cast Lead,” p. 70.

[126]. “8 Cast Lead IDF Heroes Get Decorated,” Jerusalem Post (16 December 2009).

[127]. Bowen, “Gaza Stories.”

[128]. Tami Steinmetz Center for Peace Research, “War and Peace Index—February 2009.” For the calculation behind the Israeli leadership’s decision not to topple Hamas, see International Crisis Group, Gaza’s Unfinished Business, pp. 25–26n252.

[129]. Gideon Levy, “Everyone Agrees: War in Gaza was a failure,” Haaretz (12 March 2009).

[130]. International Crisis Group, Gaza’s Unfinished Business, p. 21.

[131]. Kennedy, “Context for Gaza.”

[132]. Harel, “What Did the IDF Think”; Breaking the Silence, Soldiers’ Testimonies, p. 88.

[133]. Human Rights Watch, Rain of Fire: Israel’s unlawful use of white phosphorus in Gaza (New York: March 2009), pp. 1–6, 39, 60. See also Al Mezan, Bearing the Brunt, pp. 42–45.

[134]. Human Rights Watch, Precisely Wrong, pp. 4, 6, 12. The Israeli dronelaunched missiles killed at least 513 persons, including 116 children (Al Mezan, Bearing the Brunt, pp. 37–42).

[135]. Cordesman, “Gaza War,” p. 11.

[136]. Ibid., p. 68.

[137]. Ibid., pp. 11, 32.

[138]. Kim Sengupta and Donald Macintyre, “Israeli Cabinet Divided over Fresh Gaza Surge,” Independent (13 January 2009); PCATI, No Second Thoughts, p. 28.

[139]. Adrian Blomfield, “Israeli Opposition Leader Tzipi Livni ‘Cancels London Visit over Prosecution Fears,’” Daily Telegraph (14 December 2009); Herb Keinon, “Miliband ‘Shocked’ at Livni’s Warrant,” Jerusalem Post (15 December 2009); Daniel Edelson, “Livni: We must do what’s right for us,” ynetnews.com (15 December 2009; http://tinyurl.com/yb8oqtf).

[140]. International Crisis Group, Ending the War in Gaza (5 January 2009), p. 19; International Crisis Group, Gaza’s Unfinished Business, p. 19.

[141]. Breaking the Silence, Soldiers’ Testimonies, pp. 68–69.

[142]. Kasher, “Operation Cast Lead,” pp. 64–67.

[143]. Avishai Margalit and Michael Walzer, “Israel: Civilians & combatants,” New York Review of Books (14 May 2009; emphasis in original).

[144]. Goldstone Mission Report, paras. 1886–87.

CHAPTER FOUR

[1]. Anthony H. Cordesman, The “Gaza War”: A strategic analysis (Washington, D.C.: 2 February 2009; “Final Review Draft”), pp. 10, 19–23 passim, 36, 42, 44, 63–66 passim; The State of Israel, The Operation in

Gaza, 27 December 2008–18 January 2009: Factual and legal aspects (July 2009), paras. 23, 119, 154 (emphasis in original), 170, 186–89, 223–28; Amnesty International, Operation "Cast Lead": 22 Days of death and destruction (London: July 2009), pp. 3–4, 47–50, 64, 74–77. For human rights investigations echoing Amnesty's finding that some Hamas militants fought in built-up areas but did not use Palestinian civilians as human shields, see Human Rights Watch, "Letter to EU Foreign Ministers to Address Violations between Israel and Hamas" (16 March 2009), Human Rights Watch, Rockets from Gaza: Harm to civilians from Palestinian armed groups' rocket attacks (New York: August 2009), pp. 22, 24, Report of the United Nations Fact Finding Mission on the Gaza Conflict (25 September 2009), paras. 35, 452, 475, 482–88, 494, 1953 (hereafter: Goldstone Mission Report); for human rights organizations and IDF testimony corroborating Israel's use of human shields, see National Lawyers Guild, Onslaught: Israel's attack on Gaza & the rule of law (New York: February 2009), pp. 14–15, Human Rights Watch, White Flag Deaths: Killings of Palestinian Civilians during Operation Cast Lead (New York: August 2009), pp. 11–12, Breaking the Silence, Soldiers' Testimonies from Operation Cast Lead, Gaza 2009 (Jerusalem: June 2009), pp. 7–8, 107, Goldstone Mission Report, paras. 55, 1032–1106, Al Mezan Center for Human Rights, Bearing the Brunt Again: Child rights violations during Operation Cast Lead (September 2009), pp. 52–59.
In a pair of articles B'Tselem executive director Jessica Montell contrarily alleged that Hamas did engage in human shielding, but she was unable to provide any supporting evidence despite repeated requests and a protracted correspondence. Jessica Montell, "A Time for SoulSearching," Jerusalem Post (30 September 2009); Jessica Montell, "The Goldstone Report on Gaza," Huffington Post (1 October 2009; http:// tinyurl.com/ykgfqkw).

[2]. Avishai Margalit and Michael Walzer, "Israel: Civilians & combatants," New York Review of Books (14 May 2009).

[3]. Dennis Ross and David Makovsky, Myths, Illusions and Peace: Finding a new direction for America in the Middle East (New York: 2009), pp. 7, 128, 137, 153–54, 244, 247, 252.

[4]. Colonel Richard Kemp CBE, “International Law and Military Operations in Practice,” Jerusalem Center for Public Affairs (18 June 2009).

[5]. Amnesty International, Operation “Cast Lead,” p. 7; for details, see ibid., pp. 11ff. See also Goldstone Mission Report, paras. 459, 653–703.

[6]. Amnesty International, Operation “Cast Lead,” pp. 1, 24; for details, see ibid., esp. pp. 24–27. See also Goldstone Mission Report, paras. 704–885.

[7]. Human Rights Watch, White Flag Deaths, pp. 2, 4, 10–15.

[8]. State of Israel, Operation in Gaza, para. 213.

[9]. Goldstone Mission Report, paras. 802, 810–11.

[10]. Amos Harel, “IDF in Gaza: Killing civilians, vandalism, and lax rules of engagement,” Haaretz (19 March 2009); Amos Harel, “Shooting and Crying,” Haaretz (19 March 2009); Amos Harel, “Testimonies on IDF Misconduct in Gaza Keep Rolling In,” Haaretz (22 March 2009); Breaking the Silence, Soldiers’ Testimonies, pp. 21–23, 75, 88, 89.

[11]. State of Israel, Operation in Gaza, para. 213; Lawrence Wright, “Captives: A report on the Israeli attacks,” New Yorker (9 November 2009), pp. 55, 59.

[12]. Anshel Pfeffer, “Israel Claims Success in the PR War,” Jewish Chronicle (31 December 2008); Hirsh Goodman, “Analysis: The effective public diplomacy ended with Operation Cast Lead,” Jerusalem Post (5 February 2009).

[13]. Cordesman, “Gaza War,” pp. 31–32, 68.

[14]. Bradley Burston, “Why Does the World Media Love to Hate Israel?,” Haaretz (23 March 2009); Shlomo Avineri, “What Was the Computer Thinking?,” Haaretz (18 March 2009). Heeding such counsel, Israel in its official brief avoided mentioning Operation Cast Lead apart from a

parenthetical reference to “the ‘Gaza Operation,’ also known as ‘Operation Cast Lead’” (Operation in Gaza, para. 16).

15. Dominic Waghorn, “They Kept Us Out and Israeli Officials Spun the War,” Independent (25 January 2009); Lisa Goldman, “Eyeless in Gaza,” Forward (16 January 2009).

16. Ethan Bronner, “Israel Puts Media Clamp on Gaza,” New York Times (6 January 2009); Reporters Without Borders, Operation “Cast Lead”: News control as military objective (February 2009).

17. Human Rights Watch, “Israel: End Ban on Human Rights Monitors” (Jerusalem: 22 February 2009); Human Rights Watch, White Flag Deaths, p. 7.

18. State of Israel, Operation in Gaza, para. 288.

19. Barak Ravid, “Group that Exposed ‘IDF Crimes’ in Gaza Slams Israel Bid to Choke Off Its Funds,” Haaretz (26 July 2009); Barak Ravid, “Israel Targets U.K. Funding of Group that Exposed ‘IDF Crimes’ in Gaza,” Haaretz (29 July 2009); Barak Ravid, “Israel Asks Spain to Stop Funding Group that Reported ‘IDF Crimes’ in Gaza,” Haaretz (2 August 2009).

20. Amos Harel, “Analysis: Can Israel Dismiss Its Own Troops’ Stories from Gaza?,” Haaretz (19 March 2009).

21. Amira Hass, “Time to Believe Gaza War Crimes Allegations,” Haaretz (24 March 2009).

22. Gideon Levy, “IDF Ceased Long Ago Being ‘Most Moral Army in the World,’” Haaretz (22 March 2009).

23. Breaking the Silence, Soldiers’ Testimonies, p. 5.

24. Public Committee Against Torture in Israel (PCATI), No Second Thoughts: The changes in the Israeli Defense Forces’ combat doctrine in light of “Operation Cast Lead” (Jerusalem: November 2009), p. 29.

[25]. Goldstone Mission Report, paras. 1889–90.

[26]. Breaking the Silence, Soldiers' Testimonies, pp. 16, 55, 56–57, 73, 86, 92, 93.

[27]. Harel, "Shooting and Crying."

[28]. Ethan Bronner, "A Religious War in Israel's Army," New York Times (22 March 2009).

[29]. Breaking the Silence, Soldiers' Testimonies, pp. 18, 20, 46, 60, 85; cf.ibid., pp. 47 ("massive fire"), 48 ("fired like crazy"), 67 ("I never knew such firepower. They were using every weapon I know"), 76 ("In general, everything that could fire, did").

[30]. See Norman G. Finkelstein, Beyond Chutzpah: On the misuse of antiSemitism and the abuse of history (Berkeley: 2005; expanded paperback edition, 2008), pp. 316–19.

[31]. Anshel Pfeffer and Amos Harel, "IDF Ends Gaza Probe, Says Misconduct Claims Are 'Rumors,'" Haaretz (30 March 2009).

[32]. Anshel Pfeffer, "Barak: Gaza probe shows IDF among world's most moral armies," Haaretz (23 April 2009); State of Israel, Operation in Gaza, para. 284; Human Rights Watch, "Israeli Military Investigation Not Credible" (23 April 2009); Amnesty International, "Israeli Army Probe Lacks Credibility and Is No Substitute for Independent Investigation" (23 April 2009); Goldstone Mission Report, paras. 1832, 1961.

[33]. Yaakov Katz, "Security and Defense: Waging war on the legal front," Jerusalem Post (18 September 2009). A "common Israeli solution" when accused of massive crimes, Amira Hass observes, is to focus on and then trivialize a lesser crime in order that "everything else can be denied." Amira Hass, "The One Thing Worse Than Denying the Gaza Report," Haaretz (17 September 2009).

[34]. Amnesty International, Fueling Conflict: Foreign arms supplies to Israel/ Gaza (London: 23 February 2009).

[35]. Amnesty International, Broken Lives: A year of intifada (London: 2001); Human Rights Watch, Razing Rafah: Mass home demolitions in the Gaza Strip (New York: 2004).

[36]. Stephen Zunes, “Obama and Israel’s Military: Still arm-in-arm,” Foreign Policy in Focus (4 March 2009).

[37]. Anti-Defamation League, “Amnesty International Report on Gaza Conflict ‘Pernicious and Biased,’” (23 February 2009).

CHAPTER FIVE

[1]. Norman G. Finkelstein, The Rise and Fall of Palestine: A personal account of the intifada years (Minneapolis, MN: 1996).

[2]. “Who’s Afraid of Finkelstein?,” Haaretz (27 May 2008).

[3]. Lawrence Wright, “Captives: A report on the Israeli attacks,” New Yorker (9 November 2009), p. 52.

[4]. See Chapter 2.

CHAPTER SIX

[1]. “Israel’s Revealing Fury towards EU,” Financial Times (13 December 2009).

[2]. “Poll Shows Dip in American Voters’ Supporting Israel,” Jewish Telegraphic Agency (16 June 2009).

[3]. Andrew England and Vita Bekker, “Criticism of Israel’s Conduct Mounts,” Financial Times (10 January 2009; http://tinyurl.com/8kyhoa).

[4]. I use the term Nazi holocaust to denote the actual historical event, and The Holocaust to denote the ideological instrumentalization of that event. See Norman G. Finkelstein, The Holocaust Industry: Reflections on the exploitation of Jewish suffering (New York: 2000; second expanded paperback edition, 2003), p. 3 and chapter 2.

[5]. See Norman G. Finkelstein, Beyond Chutzpah: On the misuse of antiSemitism and the abuse of history (Berkeley: 2005; expanded paperback edition, 2008), chapters 1–3.

[6]. George Gilder, The Israel Test (Minneapolis, MN: 2009), pp. 4, 13, 15, 22, 32, 36, 41, 42, 92, 109, 136, 168–73, 239, 240. According to Gilder, the real tragedy of the Nazi holocaust was that it deprived humanity of the "unique virtues and genius of its victims..., depleting the entire species of intellectual resources that will be critical to survival on an ever-threatened planet. Ironically, the rest of the world suffers far more than Jews from this loss of wealth-creating entrepreneurs and inventors" (ibid., pp. 41, 234).

[7]. Robin Shepherd, A State Beyond the Pale: Europe's problem with Israel (London: 2009), pp. 37, 47, 55–56, 68, 69, 70, 76, 80, 101, 104, 105, 116, 131–38, 156, 166, 212–14, 218–19, 222–25, 228–33, 237–38, 252. For a detailed critique of Dershowitz's book, see Finkelstein, Beyond Chutzpah, part two.

[8]. The handful of dissenting voices emanated from the marginal Left. See Isaac Deutscher, The Non-Jewish Jew and Other Essays (New York: 1968), pp. 126–52; Maxime Rodinson, Israel: A settler-colonial state? (New York: 1973; originally published in Les Temps Modernes in 1967); Noam Chomsky, Peace in the Middle East?: Reflections on justice and nationhood (New York: 1974).

[9]. Peter Beaumont, "Israel Outraged as EU Poll Names It a Threat to Peace," Guardian (2 November 2003).

[10]. WorldPublicOpinion.Org Staff, World Public Opinion on the IsraeliPalestinian Conflict (1 July 2008).

[11]. BBC World Service Poll (6 February 2009). It notes that “most polling occurred before Israel undertook its military operation in Gaza.”

[12]. “Second Thoughts about the Promised Land,” Economist (11 January 2007).

[13]. Martin Hodgson, “British Jews Break Away from ‘Pro-Israeli’ Board of Deputies,” Independent (5 February 2007); Ben Weinthal, “German Jews Feud over Criticizing Israel,” Forward (9 March 2007); Ben Cubby, “Jewish Coalition Calls for Open Debate on Palestine,” Sydney Morning Herald (6 March 2007).

[14]. Gallup polls covering the period 1996–2005 (www.pollingreport.com/israel2.htm).

[15]. “America’s Place in the World 2005: Opinion leaders turn cautious, public looks homeward,” Pew Research Center for the People and the Press (17 November 2005), p. 97 (polls covering the period 1978–2005); Robert Ruby, “A Six-Day War: Its aftermath in American public opinion” (30 May 2007; http://tinyurl.com/yz7jqha); Jodie T. Allen and Alec Tyson, “The U.S. Public’s Pro-Israel History,” Pew Research Center Publications (19 July 2006); Gallup polls covering the period 1997–2007 (www.pollingreport.com/israel.htm).

[16]. Gallup polls covering the period 1998–2003 (www.pollingreport.com/israel2.htm); “Opportunities for Bipartisan Consensus: What both Republicans and Democrats want in U.S. foreign policy,” PIPA/Knowledge Networks Poll (18 January 2005); Andrew Kohut, “American Views of the Mideast Conflict,” New York Times (14 May 2002); “Growing Majority of Americans Oppose Israel Building Settlements” (29 April 2009; http://tinyurl.com/cfsgwo).

[17]. USA Today/Gallup polls covering the period 2001–2006 (www.pollingreport.com/israel.htm); The Harris Poll, May–August 2002, The Harris Poll, April–July 2002; Newsweek Poll, 25–26 April 2002 (www.pollingreport.com/israel2.htm). In fact nearly half of Israelis believe that

U.S. policy favors Israel too much (Allen and Tyson, “The U.S. Public’s Pro-Israel History”).

[18]. WorldPublicOpinion.Org Staff, World Public Opinion.

[19]. “Poll: Americans support cutting aid to Israel,” Reuters (12 April 2002).

[20]. The Harris Poll, April–July 2002; ABC News.com Poll, 3–7 April 2002 (www.pollingreport.com/israel2.htm).

[21]. “Israel’s Increased Isolation,” Issue #308 (Washington, D.C.: 19 January 2007; http://tinyurl.com/yeayesg). See also Amiram Barkat, “Jewish Leaders Concerned by Trend to Delegitimize Israel,” Haaretz (10 July 2007).

[22]. Anti-Defamation League, “American Attitudes towards Israel, the Palestinians and Prospects for Peace in the Middle East: An Anti-Defamation League survey” (19 October 2007).

[23]. ABC/Washington Post Poll (3–6 August 2006); Los Angeles Times/ Bloomberg Poll (28 July–1 August 2006); USA Today/Gallup Poll (21– 23 July 2006; www.pollingreport.com/israel.htm); “Zogby Poll: U.S. should be neutral in Lebanon war” (17 August 2006; http://tinyurl.com/y99y86z).

[24]. The Amman Call: Issued at WCC International Peace Conference, “Churches Together for Peace and Justice in the Middle East” (18–20 June 2007; http://tinyurl.com/ya479wl); Toya Richards Hill, “GA Overwhelmingly Approves Israel/Palestine Resolution” (21 June 2006; http://tinyurl.com/ycmeh99); “United Methodists Urged to Divest from 20 Companies Supporting in a Significant Way Israel’s Occupation of Palestinian Land” (21 June 2007; http://tinyurl.com/ybusx68); “Seeking a Just Peace in the Middle East, Synod Adopts Economic Leverage Resolution” (5 July 2005; http://tinyurl.com/yb4zj6p).

[25]. Steven M. Cohen, “Poll: Attachment of U.S. Jews to Israel falls in past 2 years,” Forward (4 March 2005).

[26]. American Jewish Committee, 2007 Annual Survey of American Jewish Opinion (6 November–25 November 2007); “Second Thoughts,” Economist (“long run”). See also M.J. Rosenberg, “Another Kiss of Death,” Haaretz (25 April 2008).

[27]. 2006 Annual Survey of American Jewish Opinion, conducted for the American Jewish Committee by Synovate (25 September–16 October 2006); Anthony Weiss, “Attachment to Israel Declining among Young American Jews,” Forward (5 September 2007); “Study: US Jews distance themselves from Israel,” Reuters (6 September 2007; http://tinyurl.com/2f9y2y). For the actual 2007 study, see Steven M. Cohen and Ari Y. Kelman, Beyond Distancing: Young adult American Jews and their alienation from Israel (Andrea and Charles Bronfman Philanthropies: 2007). See also Michael Paulson, “Push on to Bolster Israel’s Image: Calls for reaching out in new ways to young Jews,” Boston Globe (26 September 2008).

[28]. Zeev Bielski, “Guaranteeing Our Future,” ynetnews.com (3 September 2009; http://tinyurl.com/ygp9yxw).

[29]. CJP-Jewish Boston Connected, Israel Advocacy Strategic Planning Subcommittee Final Report (February 2008), pp. 15–16; see also Abe Selig, “U.S. Professors: Support for Israel eroded,” Jerusalem Post (29 June 2009).

[30]. Lily Galili, “Tiffs at the Family Table,” Haaretz (5 January 2002); see also The Jewish People Policy Planning Institute, Annual Assessment 2008 (Jerusalem: 2008), p. 35.

[31]. “America’s Place,” pp. 6, 11, 74.

[32]. Tony Judt, “Israel: The alternative,” New York Review of Books (23 October 2003).

[33]. John J. Mearsheimer and Stephen M. Walt, “The Israel Lobby,” London Review of Books (23 March 2006).

[34]. Jimmy Carter, Palestine Peace Not Apartheid (New York: 2006).

[35]. Mark Lilla and Richard Sennett, “The Case of Tony Judt: An open letter to the ADL,” New York Review of Books (16 November 2006), and “A Statement in Support of Open and Free Discussion about U.S. and Israeli Foreign Policy and Against Suppression of Speech,” Archipelago (n.d.; http://tinyurl.com/yaguewd).

[36]. James Traub, “Does Abe Foxman Have an Anti-Anti-Semite Problem?,” New York Times (14 January 2007).

[37]. Ezra HaLevi, “Exclusive: Jimmy Carter interceded on behalf of Nazi SS guard,” israelnationalnews.com (18 January 2007).

[38]. Deborah Lipstadt, “Jimmy Carter’s Jewish Problem,” Washington Post (20 January 2007).

[39]. Philip Weiss, “Jimmy Carter’s Book Stirs a Critical Debate,” American Conservative (26 February 2007); David Abel and James Vaznis, “Carter Wins Applause at Brandeis,” Boston Globe (24 January 2007). See also Hinda Mandell, “Brandeis Students at Odds over Israel,” Boston Globe (8 May 2008), reporting the student senate’s vote to not congratulate Israel on its sixtieth anniversary.

[40]. John J. Mearsheimer and Stephen M. Walt, The Israel Lobby and U.S. Foreign Policy (New York: 2007).

[41]. Orly Halpern, “Foxman, Wiesel Upbraid Israel for Pace of Peace Effort,” Forward (18 May 2007).

[42]. An Israeli foreign ministry assessment of eight hours of coverage across international broadcast media reported that Israeli representatives got 58 minutes of airtime while the Palestinians got only 19 minutes. Rachel Shabi, “Special Spin Body Gets Media on Message, Says Israel,” Guardian (2 January 2009).

[43]. Ben Quinn and Matthew Weaver, “Tens of Thousands in London Protest Gaza Offensive,” Guardian (3 January 2009); “Cities across the World Become Platform for Hundreds of Thousands of Protesters against Gaza Fighting,” Daily Mail (11 January 2009; http://tinyurl.com/7tk754); “Tens of Thousands Demonstrate for and against Israel,” Spiegel Online International (12 January 2009; http://tinyurl.com/csk2zf

[44]. “Jewish Canadians Concerned about Suppression of Criticism of Israel,” straight.com (16 March 2009; http://tinyurl.com/defpu9); Deborah Summers, “George Galloway Banned from Canada,” Guardian (20 March 2009); Alexander Panetta, “Jewish Group Proud of Role in Barring ‘Hater’ Galloway,” Canadian Press (25 March 2009); Robert Fisk, “Galloway a Victim of Canada’s Baffling Approach to Fighting Terror,” Independent (1 April 2009); Rosie DiManno, “Canada’s Leaders Swoon over Israel,” Toronto Star (1 June 2009); David Moltz, “Second Guessing a Conference,” Inside Higher Ed (11 June 2009); Linda McQuaig, “Harper’s Extremism is Showing,” Toronto Star (3 November 2009); Gerald Kaplan, “Stephen Harper and the Jewish Question,” Globe and Mail (11 December 2009); Les Whittington, “Furor Grows over Anti-Semitism Charge,” Toronto Star (19 December 2009).
Canada’s largest media empire, CanWest Global Communications, is controlled by members of the Asper family, who have historically been prominent “supporters” of Israel and mobilized their empire on Israel’s behalf (see Peter C. Newman, Izzy: The passionate life and turbulent times of Izzy Asper, Canada’s media mogul (Toronto: 2008), pp.248–54; Marc Edge, Asper Nation: Canada’s most dangerous media company (Vancouver: 2007), pp. 131–51, 173–76, 188–89, 199–204).

[45]. “Two-In-Five Canadians Criticize Israel’s Military Actions in Gaza,” AngusReid Strategies (22 January 2009; http://tinyurl.com/c9egko); Adrian Morrow, “CUPE Union Votes for Academic Boycott of Israel,” Toronto Star (22 February 2009; http://tinyurl.com/bpnbk2).

[46]. Amnesty International, “Gaza: World’s Leading Investigators Call for War Crimes Inquiry” (16 March 2009).

[47]. Yael Branovsky, “Report: Gaza war reverses drop in anti-Semitism,” Haaretz (15 January 2009); “Europe Fears Spike in Anti-Semitism over Gaza,” ynetnews.com (7 January 2009; http://tinyurl.com/dcd7oq).

[48]. Anti-Defamation League, “ADL Leader: Gaza war unleashed ‘pandemic of anti-Semitism’” (12 February 2009; http://tinyurl.com/c9vc9m.

[49]. Abraham H. Foxman, Never Again? The Threat of the New Anti-Semitism (San Francisco: 2003), p. 4.

[50]. Finkelstein, Beyond Chutzpah, chapters 2–3.

[51]. Anti-Defamation League, “ADL Survey in Seven European Countries Finds Anti-Semitic Attitudes Steady” (10 February 2009; http://tinyurl.com/blzx2w).

[52]. Jewish People Policy Planning Institute, Annual Assessment 2008, p. 40.

[53]. European Union Agency for Fundamental Rights, Anti-Semitism: Summary overview of the situation in the European Union 2001–2008 (February 2009). The quality of this publication can be gleaned from the fact that the only authority it cites on anti-Semitism is the German professional anti-anti-Semite Henryk Broder (p. 24), who wrote an unctuous preface for the German edition of Alan Dershowitz’s The Case for Israel.

[54]. Pew Global Attitudes Project, Unfavorable Views of Jews and Muslims on the Increase in Europe (September 2008).

[55]. Finkelstein, Beyond Chutzpah, pp. 81–85.

[56]. The Coordination Forum for Countering Anti-Semitism, Anti-Semitism in the Wake of Operation Cast Lead (January 2009).

[57]. Ali Fathollah-Nejad, “German Media Censorship on Gaza?,” Global Research (22 January 2009).

[58]. Assaf Uni, “Poll: Most Germans say country has no special ties with Israel,” Haaretz (5 May 2008); “Most Germans Feel No Responsibility for Israel,” Spiegel Online International (5 May 2008; http://tinyurl.com/cuybho); “Germans Divided on Feelings towards Israel, Poll Shows,” Deutsche Welle (14 January 2009; http://tinyurl.com/cdv73t); Benjamin Weinthal, “Poll: Israel is ‘aggressive,’ Germany has no obligation toward it,” Jerusalem Post (15 January 2009).

[59]. Gideon Levy, “Has Anyone in Israel Asked Why the Swedes Hate Us?,” Haaretz (14 March 2009).

[60]. International Crisis Group, Gaza’s Unfinished Business (April 2009), p. 20; “Nine Nations Agree on Plan to Stem Arms Flow to Gaza,” Reuters (14 March 2009).

[61]. “Letter by Prominent British Jews on Israel’s War on Gaza,” Guardian (10 January 2009); “South African Jews Condemn the Israeli Attack on Gaza,” sashrip.org (11 January 2009; http://tinyurl.com/dxw9bu).

[62]. Antony Lerman, “Rise of the Moderates,” Guardian (6 February 2009).

[63]. Peter Beaumont, David Smith and Ben Quinn, “Leading British Jews Call on Israel to Halt ‘Horror’ of Gaza,” Observer (11 January 2009).

[64]. For full text and video, see http://tinyurl.com/bh4k4s.

[65]. Jean-Moïse Braitberg, “Effacez le nom de mon grand-père à Yad Vashem” (Open letter to the president of Israel), Le Monde (29 January 2009).

[66]. Fathollah-Nejad, “German Media Censorship.”

[67]. Emily Mathieu, “Jewish Women Arrested in Toronto Consulate Protest,” Toronto Star (8 January 2009; http://tinyurl.com/clkfk7); Tom Godfrey, “Security Alert for Jewish Community,” Toronto Sun (8 Janu-ary 2009; http://tinyurl.com/d425u9).

[68]. Andrew West and Jonathan Pearlman, “Australian Jews Protest against Israel’s Action,” Sydney Morning Herald (6 January 2009).

[69]. Stephen Zunes, “Virtually the Entire Dem-Controlled Congress Supports Israel’s War Crimes in Gaza,” Alternet (13 January 2009; http:// tinyurl.com/dy4rff).

[70]. Max Blumenthal, “Why Aren’t More Americans Dancing to Israel’s Tune?,” maxblumenthal.com (5 January 2009; http://tinyurl.com/d45c7m).

[71]. Jeffrey Goldberg, “Why Israel Can’t Make Peace with Hamas,” New York Times (14 January 2009).

[72]. See Chapter 2.

[73]. Rabbi Marvin Hier, “Gaza Residents Must Learn That Charity Begins at Home,” New York Daily News (1 February 2009).

[74]. Mouin Rabbani, “Human Rights Watch Goes to War,” normanfinkelstein.com (1 February 2009; http://tinyurl.com/yjte9pj).

[75]. “Americans Closely Divided over Israel’s Gaza Attacks,” Rasmussen Reports (31 December 2008); “Modest Backing for Israel in Gaza Crisis,” Pew Research Center (13 January 2009).

[76]. “Exchange between Bill Moyers and Abraham Foxman of the Anti-Defamation League,” pbs.org (16 January 2009; http://tinyurl.com/8bdu46); Alan Dershowitz, “The Moral Blindness of Some ‘Religious Leaders,’” Jerusalem Post blog (“Double Standard Watch”) (4 February 2009); Eric Alterman, “The Defamation League,” The Nation (28 January 2009).

[77]. “Time Running Out for a Two-State Solution?,” 60 Minutes (25 January 2009; http://tinyurl.com/avpjr8). 78. George E. Bisharat, “Israel is Committing War Crimes,” Wall Street Journal (10 January 2009).

[79]. Roger Cohen, “The Dominion of the Dead,” New York Times (8 January 2009); Roger Cohen, “Middle East Reality Check,” New York Times (9

March 2009). Cohen subsequently penned another series of equally iconoclastic columns, “From Tehran to Tel Aviv,” “The Fierce Urgency of Peace,” and “Israel Cries Wolf” (23 March 2009, 26 March 2009, 9 April 2009). For the furious reaction to one of Cohen’s columns, see Paul Harris, “Jewish Writer Raises a Storm in America with His Report from a ‘Tolerant’ Iran,” Guardian (29 March 2009).

[80]. Andrew Sullivan, “Aliens,” Atlantic blog (“The Daily Dish”) (4 January 2009); Andrew Sullivan, “Proportionality and Terror,” Atlantic blog (“The Daily Dish”) (5 January 2009).

[81]. Philip Slater, “A Message to Israel: Time to stop playing the victim role,” Huffington Post (7 January 2009; http://tinyurl.com/7tve6p).

[82]. City Council, Policy Order Resolution (12 January 2009; http://tinyurl.com/cy557y).

[83]. Raphael Ahren, “For First Time, U.S. Professors Call for Academic and Cultural Boycott of Israel,” Haaretz (29 January 2009).

[84]. J Street National Survey of American Jews (28 February–8 March 2009; http://tinyurl.com/d6hayn).

[85]. M. J. Rosenberg, “Post-Gaza Sea Change,” Israel Policy Forum (30 January 2009; http://tinyurl.com/ak9urk); “D.C. Rally for Israel Attracts 1,000,” Jewish Telegraphic Agency (7 January 2009).

[86]. Eric Fingerhut, “Liberals Push Criticism of Israel’s Gaza Strikes,” Jewish Telegraphic Agency (30 December 2008); James D. Besser, “Fresh Rift Emerges over War Response,” Jewish Week (7 January 2009); J Street, “Gaza: Ceasefire now!” (n.d.; http://tinyurl.com/d24zhe).

[87]. Gil Hoffman, “J Street Not Promoting Goldstone Tour,” Jerusalem Post (19 November 2009). J Street’s “statement of principles” calls for “creation of a viable Palestinian state as part of a negotiated twostate solution, based on the 1967 borders with agreed reciprocal land swaps”—a formula that, depending on the details, could point to a just settlement based on the

international consensus or to a Palestinian Bantustan dominated by Israel. On the genesis of J Street, see Gershom Gorenberg, “A Liberal Israel Lobby,” American Prospect (April 2008), “New ‘Pro Israel, Pro Peace’ Political Group Launches: J Street hopes to prod Washington MidEast policy towards center,” motherjones.com (15 April 2008; http://tinyurl.com/3vb2mr), Shmuel Rosner, “New JewishAmerican Lobby Wants to Provide an Alternative to AIPAC,” Haaretz (16 April 2008), Gary Kamiya, “Taking Back the Debate Over Israel,” Salon.com (29 April 2008), James Traub, “The New Israel Lobby,” New York Times Magazine (9 September 2009).

[88]. American Jews for a Just Peace, “Open Letter to Israeli Soldiers from Jews around the World” (4 January 2009; http://tinyurl.com/7lcrdw); http://jewssayno.wordpress.com; www.nyc.indymedia.org/or/2009/01/103022.html.

[89]. Michael Walzer, “On Proportionality,” New Republic (8 January 2009; http://tinyurl.com/93azy7).

[90]. Alan M. Dershowitz, “Hamas’ Dead Baby Strategy,” Washington Times (16 January 2009); Alan M. Dershowitz, “Israel’s Policy Is Perfectly ‘Proportionate,’” Wall Street Journal (2 January 2009).

[91]. Martin Peretz, “The Truth about Gaza,” New Republic blog (“The Spine”) (1 January 2009).

[92]. Michelle Sieff, “Gaza and After: An interview with Paul Berman,” Z Word (March 2009; http://tinyurl.com/cz3ght); Philip Weiss, “Paul Berman Says Gaza Assault May Have Been Necessary to Avert ‘Genocide,’” Mondoweiss (26 February 2009; http://tinyurl.com/cjln6b).

[93]. Philip Weiss, “New Yorker’s Silence Is Further Evidence That Establishment Opinion Is Paralyzed by Gaza,” Mondoweiss (6 January 2009).
Shortly after the invasion ended, the New York Review ran a short piece by Roger Cohen, “Eyeless in Gaza,” and then a letters exchange between

Cohen and David A. Harris of the American Jewish Committee (12 February 2009, 26 March 2009).

[94]. Jeet Heer, “Israel Struggles with Youth Wing of the Diaspora,” National Post (9 January 2009).

[95]. Martin Peretz, “The ‘Juicebox Mafia’ on Gaza,” New Republic blog (“The Spine”) (29 December 2008).

[96]. Ezra Klein, “Israel, Wrong” (28 December 2008; http://tinyurl.com/77de9e).

[97]. Adam Horowitz, “Benny Morris Leaves Out the Hallmarks of Zionism: Expansionism and militarism” (30 December 2008; http://tinyurl.com/d5ec8b); see also his “Jews are Soul-Searching About Madoff— What About Gaza?,” Huffington Post (31 December 2008; http://tinyurl.com/8qzjg9).

[98]. Matthew Yglesias, “Why They Fight” (1 January 2009; http://tinyurl.com/dz9c38).

[99]. Dana Goldstein, “The Idea of Israel,” danagoldstein.typepad.com (7 January 2009; http://tinyurl.com/cdgb92).

[100]. Glenn Greenwald, “Both Parties Cheerlead Still More Loudly for Israel’s War” (8 January 2009; http://tinyurl.com/7a2ky8); Glenn Greenwald, “Increasing Evenhandedness in the Middle East” (30 January 2009; http://tinyurl.com/cljyjn); Glenn Greenwald, “Jeffrey Goldberg’s Gasping, Dying Smear Tactics” (20 February 2009; http://tinyurl.com/bpljck).

[101]. The lobby prevailed, but, having exposed its crude and defamatory tactics, the victory might have been Pyrrhic. See Robert Dreyfuss, “Is the Israel Lobby Running Scared?,” Huffington Post (16 March 2009; http://tinyurl.com/dd74do); Philip Weiss, “The Israel Lobby Gets Its Man—And Tips Its Hand,” American Conservative (23 March 2009); John Mearsheimer, “The Lobby Falters,” London Review of Books (26 March

2009); Nathan Guttman, “The Pro-Israel Lobby—‘Alive, Well, and Bipartisan?,’” Haaretz (25 March 2009).

[102]. Jon Stewart, “Strip Maul,” Daily Show (5 January 2009; transcript at http://tinyurl.com/dghj4q).

[103]. Elizabeth Redden, “On Israel, Shifted Ground,” Inside Higher Ed (6 March 2009; http://tinyurl.com/ag8t8r). Samuel Freedman, “In the Diaspora: Suspended agitation,” Jerusalem Post (19 March 2009).

[104]. Jewish People Policy Planning Institute, Annual Assessment 2008, p. 13.

[105]. Anna Baltzer, Witness in Palestine: A Jewish American woman in the Occupied Territories (Boulder, CO: 2007). Her web site is www.AnnaInTheMiddleEast.com.

EPILOGUE

[1]. “Speech at Prayer Meeting” (14 April 1947), in The Collected Works of Mahatma Gandhi (Ahmedabad), v. 87, p. 281.

[2]. Report of the United Nations Fact Finding Mission on the Gaza Conflict (25 September 2009), paras. 1, 151. Hereafter: Goldstone Mission Report.

[3]. Ibid., paras. 144, 162; Bill Moyers, Journal (23 October 2009; http://tinyurl.com/yllft94). For the extended correspondence between Goldstone and the Government of Israel, see Goldstone Mission Report, Annex II, pp. 434–50; see also Israel Ministry of Foreign Affairs web site, “The Goldstone Mission—FAQ” (http://tinyurl.com/yjvunox).

[4]. For a critical but ultimately positive assessment of the Report by “recognized experts” in the relevant bodies of international law, see Report of an Expert Meeting which Assessed Procedural Criticisms Made of the U.N. Fact-Finding Mission on the Gaza Conflict (The Goldstone Report) (London: 27 November 2009). The experts concluded that the Goldstone Report “was very far from being invalidated by the criticisms [directed at

it]. The Report raised extremely serious issues which had to be addressed. It contained compelling evidence on some incidents."

[5]. Goldstone Mission Report, paras. 63, 1213–14.

[6]. Ibid., paras. 1215, 1892.

[7]. Ibid., paras. 1208, 1884.

[8]. Ibid., para. 1893.

[9]. Ibid., para. 1898. Goldstone afterwards recalled that although initially fearful of traveling to Gaza—"I had nightmares about being kidnapped. You know, it was very difficult, especially for a Jew, to go into an area controlled by Hamas"—he was "struck by the warmth of the people that we met and who we dealt with in Gaza" (Moyers, Journal).

[10]. Goldstone Mission Report, paras. 46, 50, 60, 937, 961, 987, 1006, 1171–75, 1935.

[11]. Ibid., paras. 75, 1334–35, 1936. The fact finding committee chaired by Goldstone's distinguished South African colleague John Dugard went somewhat further. It concluded that during Israel's "heinous and inhuman" attack it was culpable for war crimes such as "indiscriminate and disproportionate attacks on civilians," "killing, wounding and terrorizing civilians," "wanton destruction of property," and the bombing and shelling of hospitals and ambulances and obstructing the evacuation of the wounded. It further found that Israel was guilty of crimes against humanity including the intentional and "reckless" killing of civilians, "mass killings —'extermination'—in certain cases," and "persecution." It did not however hold Israel culpable for the crime of genocide: "the main reason for the operation was not to destroy a group, as required for the crime of genocide, but to engage in a vicious exercise of collective punishment designed either to compel the population to reject Hamas as the governing authority of Gaza or to subdue the population into a state of submission." Still, it found that "individual soldiers may well have had such an intent and might therefore be prosecuted for this crime." Report of the Independent Fact

Finding Committee on Gaza: No safe place. Presented to the League of Arab States (30 April 2009), paras. 20, 22–23, 25–30 of Executive Summary; paras. 405, 485–91, 496–98, 500–504, 506–510, 519–20, 526–29, 540–47, 554–58, 572–73. Hereafter: Dugard Committee Report.

[12]. Goldstone Mission Report, para. 1895.

[13]. Ibid., paras. 108, 1691, 1953. The Dugard Committee held Hamas and other militant Palestinian groups culpable for war crimes such as "indiscriminate and disproportionate attacks on civilians" and "killing, wounding and terrorizing civilians," although it entered the caveat that "there are a number of factors that reduce their moral blameworthiness but not their criminal responsibility," among them, "Palestinians have been denied their right to self-determination by Israel and have long been subjected to a cruel siege by Israel," "the scale of Israel's action," and "the great difference in both the weapons capability of the opposing sides and the use of their respective weaponry" (Dugard Committee Report, paras. 21, 24, 35 of Executive Summary; paras. 457, 484, 495, 499, 575–77).

[14]. Moyers, Journal.

[15]. "Hungry Like the Wolfowitz," Georgetown Voice (6 November 2003).

[16]. "What Women Should Do in a Difficult Situation" (4 September 1932), in Collected Works of Mahatma Gandhi, v. 51, pp. 18–19, "Discussion with Mahadev Desai" (4 September 1932), in ibid., v. 51, pp. 24–25, "Discussion with B. G. Kher and Others" (15 August 1940), in ibid., v.72, p. 388, "Discussion with Bharatanand" (2 September 1940), in ibid., v. 72, p. 434, "Message to States' People" (1 October 1941), in ibid., v. 74, p. 368, "Speech at Prayer Meeting" (5 November 1947), in ibid., v.89, p. 481.

[17]. "Speech at Goalundo" (6 November 1946), in ibid., v. 86, p. 86.

[18]. See Chapter 2.

[19]. "Israel has bureaucratically and logistically effectively split and separated not only Palestinians in the occupied territories and their families

in Israel, but also Palestinian residents of Jerusalem and those in the rest of the territory and between Gazans and West Bankers/Jerusalemites" (Goldstone Mission Report, para. 205).

[20]. The Report makes passing mention in this context of "the right of return for refugees" (ibid., paras. 92, 1509).

[21]. Ibid., paras. 206–7.

[22]. "In the opinion of the Mission, a line has been crossed, what is fallaciously considered acceptable 'wartime behavior' has become the norm. Public support for a more hard-line attitude towards Palestinians generally, lack of public censure and lack of accountability all combine to increase the already critical level of violence against the protected population" (ibid., para. 1440).

[23]. "The Mission notes the very high number of Palestinians who have been detained since the beginning of the occupation (amounting to 40 percent of the adult male population . . .) according to a practice that appears to aim at exercising control, humiliating, instilling fear, deterring political activity and serving political interests" (ibid., para.1503).

[24]. "The Mission is... concerned by the reports of coercion and torture during interrogations, trials based on coerced confessions or secret evidence, and the reportedly systematic and institutionalized illtreatment in prisons. The Mission is particularly alarmed at the arrest and detention of hundreds of young children, and the rise in child detention during and following the Israeli military operations in Gaza.
The ill-treatment of children and adults described to the Mission is disturbing in its seemingly deliberate cruelty" (ibid., paras. 1504–5).

[25]. Ibid., paras. 1535–37. The Mission explicitly stated that it "considers East Jerusalem part of the Occupied Palestinian Territories" (ibid., p.369n1062).

[26]. Ibid., para. 1546.

[27]. “The extensive destruction and appropriation of property, including land confiscation and house demolitions in the West Bank, including East Jerusalem, not justified by military necessity and carried out unlawfully and wantonly, amounts to a grave breach... of the Fourth Geneva Convention” (ibid., para. 1946).

[28]. “Insofar as movement and access restrictions, the settlements and their infrastructure, demographic policies vis-à-vis Jerusalem and ‘Area C’ of the West Bank, as well as the separation of Gaza from the West Bank, prevent a viable, contiguous and sovereign Palestinian State from arising, they are in violation of the jus cogens right to selfdetermination” (ibid., para. 1947).

[29]. Ibid., para. 1876.

[30]. Ibid., paras. 127, 1857, 1975.

[31]. Ibid., para. 1969.

[32]. Ibid., paras. 128, 1873, 1971(b).

[33]. Ibid., paras. 1971–74. The Report explicitly called on Israel to “release Palestinians who are detained in Israeli prisons in connection with the occupation.”

[34]. Amira Hass, “The One Thing Worse Than Denying the Gaza Report,” Haaretz (17 September 2009), Gideon Levy, “Disgrace in the Hague,” Haaretz (17 September 2009), Gideon Levy, “Goldstone’s Gaza Probe Did Israel a Favor,” Haaretz (1 October 2009), Yitzhak Laor, “The National Choir,” Haaretz (22 September 2009), Yitzhak Laor, “Turning Off the Lights,” Haaretz (7 October 2009), Zeev Sternhell, “A Permanent Moral Stain,” Haaretz (25 September 2009), Larry Derfner, “A Wake-up Call from Judge Goldstone,” Jerusalem Post (16 September 2009), Larry Derfner, “Our Exclusive Right to Self-Defense,” Jerusalem Post (7 October 2009), Larry Derfner, “Some Victims We Are,” Jerusalem Post (28 October 2009). Both the head of the dovish Meretz party and Haaretz editorials called on the Israeli government to set up a commission of inquiry. Gil Hoffman and Haviv Rettig Gur, “Oron Calls for Israeli Cast Lead Probe,” Jerusalem Post

(18 September 2009), “A Committee of Inquiry is Needed,” Haaretz (18 September 2009), “Only an External Probe Will Do,” Haaretz (3 October 2009).

[35]. “Statement by President Shimon Peres: ‘Goldstone Mission Report is a mockery of history,’” mfa.gov.il (16 September 2009; http://tinyurl.com/y9yxzpa); Shuki Sadeh, “Peres: Goldstone is a small man out to hurt Israel,” Haaretz (12 November 2009).

[36]. Barak Ravid and Natasha Mozgovaya, “Netanyahu Calls U.N. Gaza Probe a ‘Kangaroo Court’ Against Israel,” Haaretz (16 September 2009).

[37]. “Rights Council to Debate Gaza War,” Aljazeera.net (15 October 2009;http://tinyurl.com/ykfjth3).

[38]. Barak Ravid, “Israel Prepares to Fight War Crimes Trials after Goldstone Gaza Report,” Haaretz (20 October 2009); Barak Ravid, “Israel to Set Up Team to Review Gaza War Probe,” Haaretz (26 October 2009). Zeev Sternhell, “With a Conscience That Is Always Clear,” Haaretz (30 October 2009). Reacting to Netanyahu’s proposal Goldstone observed that “It seems to me to contain an implicit acceptance that they broke the law that now is, and that’s why it needs to be changed” (Moyers, Journal).

[39]. Hoffman and Gur, “Oron Calls”; Donald MacIntyre, “Israelis Hit Back at U.N. Report Alleging War Crimes in Gaza,” Independent (17 September 2009); Ravid and Mozgovaya, “Netanyahu Calls.”

[40]. Shalhevet Zohar, “Peres: Goldstone report mocks history,” Jerusalem Post (16 September 2009).

[41]. Michael Oren, “U.N. Report a Victory for Terror,” Boston Globe (24 September 2009); Michael B. Oren, “Deep Denial: Why the Holocaust still matters,” New Republic (6 October 2009). For a critical analysis of Oren’s scholarship, see Norman G. Finkelstein, Image and Reality of the Israel-Palestine Conflict (New York: 1995; expanded second paperback edition, 2003), pp. 184–98.

[42]. Gideon Levy, “Israel’s Attacks Will Lead to Its Isolation,” Haaretz (22 October 2009).

[43]. “We’ll Defend Ourselves by Any Means,” Jerusalem Post (21 September 2009); Yaakov Katz, “Security and Defense: Waging war on the legal front,” Jerusalem Post (18 September 2009); Amos Harel, “IDF: UN Gaza report biased, radical and groundless,” Haaretz (20 September 2009).

[44]. “Goldstoned,” Jerusalem Post (16 September 2009); David Landau, “The Gaza Report’s Wasted Opportunity,” New York Times (20 September 2009).

[45]. Israel Harel, “Venom and Destruction,” Haaretz (18 September 2009); Israel Harel, “Don’t Establish an Investigative Panel,” Haaretz (1 October 2009); Jack Khoury, “Goldstone Tells Obama: Show Me Flaws in Gaza Report,” Haaretz (22 October 2009).

[46]. Gerald Steinberg, “From Dreyfus to Goldstone,” Canadian Jewish News (19 November 2009).

[47]. “Israel’s Jewish Public: Goldstone report biased against IDF,” ynet news.com (18 October 2009; http://tinyurl.com/yh36quh).

[48]. Yehezkel Dror, “Why Israel Should Have Cooperated with Goldstone on Gaza,” Haaretz (21 September 2009).

[49]. Uri Avnery, “UM-Shmum, UM-Boom,” Gush Shalom (19 September 2009; http://tinyurl.com/m32fwl).

[50]. Max Boot, “The Goldstone Report,” Commentary blog (“Contentions”) (16 September 2009; http://tinyurl.com/yadfro6); John Bolton, “Israel, the U.S. and the Goldstone Report,” Wall Street Journal (20 October 2009).

[51]. Alan M. Dershowitz, “Goldstone Investigation Undercuts Human Rights,” Jerusalem Post blog (“Double Standard Watch”) (17 September 2009; http://tinyurl.com/m27byk); Alan Dershowitz, “Goldstone Criticizes UN Council on Human Rights,” Huffington Post (22 October

2009; http://tinyurl.com/yjqmx4s); Alan M. Dershowitz, “Goldstone Backs Away from Report: The two faces of an international poseur,” Jerusalem Post blog (“Double Standard Watch”) (15 October 2009; http://tinyurl.com/yhqec6o).

[52]. Moyers, Journal.

[53]. Eric Fingerhut, “AIPAC Condemns Goldstone Report,” Jewish Telegraphic Agency (17 September 2009; http://tinyurl.com/y8rkgwo).

[54]. American Jewish Committee, “Letter to Secretary Clinton Urges Condemnation of Goldstone Report” (23 September 2009; http://tinyurl.com/ya4bqqz

[55]. “Rice: ‘Serious concerns’ about the Goldstone Report,” Jewish Telegraphic Agency (17 September 2009; http://tinyurl.com/yakxdlv).

[56]. Nathan Guttman, “Israel, U.S. Working to Limit Damage of Goldstone Report,” Haaretz (27 September 2009).

[57]. Laura Rozen, “State on Goldstone Report: ‘Deeply concerned,’” Politico (18 September 2009; http://tinyurl.com/kj4tz5); Barak Ravid and Shlomo Shamir, “PA Pushing for UN to Act on Goldstone ‘War Crime’ Findings,” Haaretz (1 October 2009); Shlomo Shamir, “U.N. Human Rights Chief Endorses Goldstone Gaza Report,” Haaretz (23 October 2009).

[58]. House Subcommittee on the Middle East and South Asia, “Ackerman Blasts Goldstone Report as ‘Pompous, Tendentious, One-sided Political Diatribe,’” (16 September 2009; http://tinyurl.com/yhs9ckd).

[59]. Khoury, “Goldstone Tells Obama”; “Goldstone Dares US on Gaza Report,” Aljazeera.net (22 October 2009; http://tinyurl.com/yg6zafm); Human Rights Watch, “U.N.: U.S., E.U. Undermine Justice for Gaza Conflict” (1 October 2009).

[60]. “H. RES. 867, 111th Congress” (23 October 2009; http://tinyurl.com/yhu3c7e); Natasha Mozgovaya and Barak Ravid,

"U.S. House Backs resolution to Condemn Goldstone Gaza Report," Haaretz (5 November 2009); Nima Shirazi, "Goldstonewalled! U.S. Congress endorses Israeli war crimes," MRzine (12 November 2009; http://tinyurl.com/y8kenjd).

[61]. "Goldstone Sends Letter to Berman, Ros-Lehtinen Correcting Factual Errors in HR 867, Which Opposes UN Fact Finding Report on Gaza,"uruknet.info (29 October 2009; http://tinyurl.com/y8kvt5m). After Goldstone submitted his rebuttal, one of the resolution's sponsors entered some cosmetic revisions in it. Spencer Ackerman, "Berman Puts New Language into Anti-Goldstone Resolution," washingtonindependent.com (3 November 2009; http://tinyurl.com/yaonaa6). J Street called for a "better, balanced resolution" than the House draft, but one that still would "urge the United States to make clear that it will use its veto to prevent any referral of this matter to the International Criminal Court." "J Street Position on H.Res. 867" (30 October 2009; http:// tinyurl.com/yd8u4za).

[62]. An administration official initially stated in private that the U.S. would block U.N. action on the report, but the White House subsequently repudiated the statement. "U.S. Pledges to Quash Goldstone Recommendations," Jewish Telegraphic Agency (22 September 2009); "White House: Official 'misspoke' on Goldstone report," Jewish Telegraphic Agency (23 September 2009); Amos Harel and Avi Issacharoff, "Israel Demands PA Drop War Crimes Suit at The Hague," Haaretz (27 September 2009).

[63]. Howard Schneider and Colum Mynch, "U.N. Panel Defers Vote on Gaza Report," Washington Post (3 October 2009), Amira Hass, "PA Move to Thwart Goldstone Gaza Report Shocks Palestinian Public," Haaretz (4 October 2009).

[64]. "The Human Rights Situation in the Occupied Palestinian Territory, Including East Jerusalem" (A/HRC/RES/S-12/1) (16 October 2009). It was gleefully reported by many of Goldstone's critics that he disapproved of the resolution. The allegation was a half truth and a whole lie: Goldstone disapproved of the first draft version but it was modified after he expressed

reservations and he approved of the final version that was voted on (Moyers, Journal).

[65]. United Nations General Assembly, “Follow-up to the Report of the United Nations Fact-Finding Mission on the Gaza Conflict” (A/64/L. 11) (2 November 2009). Shlomo Shamir, “U.N. General Assembly Adopts Goldstone Report,” Haaretz (6 November 2009).

[66]. Shlomo Shamir, “Israel: U.N. ‘detached from reality’ for adopting Goldstone report,” Haaretz (6 November 2009); “FM: UNGA vote shows Israel has moral majority,” Jerusalem Post (6 November 2009).

[67]. Hoffman and Gur, “Oron Calls”; Eitan Haber, “In Wake of Goldstone Report, Israel Must Launch Battle for Its Image,” ynetnews.com (17 September 2009; http://tinyurl.com/y85me4a).

[68]. Moyers, Journal; “Will Goldstone’s Gaza Report Prove Him Just a Naive Idealist?,” Haaretz (23 September 2009); “‘My Father is a Zionist, Loves Israel,’” Jerusalem Post (16 September 2009); “Goldstone’s Daughter: My father’s participation softened U.N. Gaza report,” Haaretz (16 September 2009); “Tikkun Interview with Judge Richard Goldstone” (1 October 2009; http://tinyurl.com/yhg3cfk).

[69]. Anshel Pfeffer, “Goldstone: Holocaust shaped view on war crimes,” Haaretz (18 September 2009).

[70]. Levy, “Disgrace.”

[71]. Guttman, “Israel, U.S. Working”; Yaakov Katz, “Mandelblit: Israel Right Not to Cooperate with Goldstone,” Jerusalem Post (16 September 2009); Herb Keinon and Tovah Lazaroff, “‘UNHRC Vote May Affect Moscow Parley,’” Jerusalem Post (19 October 2009).

[72]. Amir Mizroch, “Analysis: Grappling with Goldstone,” Jerusalem Post (18 September 2009); Amir Mizroch, “What South African Jews Think of Richard Goldstone,” Jerusalem Post (1 October 2009); R. W. Johnson, “Who is Richard Goldstone?,” Radio Free Europe/Radio Liberty (20

October 2009; http://tinyurl.com/yha38ed); Ashley Rindsberg, "U.N.'s Goldstone Sent 13-Year-Old Boy to Prison for Protesting Apartheid," Huffington Post (19 November 2009; http://tinyurl.com/yefdang); Dershowitz, "Goldstone Investigation." It must nonetheless be said that in interviews and statements after the report was published Goldstone seemingly backpedaled from its more damning conclusions and downplayed the extent of Israeli crimes; see, e.g., Richard Goldstone, "Justice in Gaza," New York Times (17 September 2009), Richard Goldstone, "Who's Being Unfair?," Jerusalem Post (21 September 2009), Gal Beckerman, "Goldstone: 'If this was a court of law, there would have been nothing proven,'" Forward (16 October 2009), "Tikkun Interview with Judge Richard Goldstone."

[73]. Harold Evans, "A Moral Atrocity," Guardian (20 October 2009).

[74]. Moyers, Journal.

[75]. Aluf Benn, "In Wake of U.N. Gaza Probe, How Can Israel Go to War Again?," Haaretz (16 September 2009); Ari Shavit, "Watch Out for the Goldstoners," Haaretz (8 October 2009). See also Gideon Levy, "Peres, Not Goldstone, Is the Small Man," Haaretz (15 November 2009).

[76]. "PM: Israel faces the 'Goldstone threat,'" Jerusalem Post (23 December 2009).

[77]. Barak Ravid and Anshel Pfeffer, "Israel Seeks Obama Backing on Gaza Probe," Haaretz (26 September 2009).

[78]. Yotam Feldman, "ICC May Try IDF Officer in Wake of Goldstone Gaza Report," Haaretz (24 September 2009); Raphael Ahren, "Israeli Soldiers from South Africa Feel Heat of Prosecution Drive in Old Country," Haaretz (22 November 2009).

[79]. "Livni reportedly cancels U.K. visit, fearing arrest," Haaretz (16 December 2009).

[80]. Goldstone Mission Report, para. 1193. The caveat in the accompanying footnote also merits quotation: “The reference to relatively focused operations here should not be misunderstood as an indication that all such actions were acceptable in terms of distinction and proportionality. It is merely a comparative reference.”

[81]. The Jewish People Policy Planning Institute, Annual Assessment 2008 (Jerusalem: 2008), p. 33. For recent data testifying to the liberalism of American Jews assembled by a hostile critic, see Norman Podhoretz, Why Are Jews Liberals? (New York: 2009), pp. 252–68. Fully 78 percent of the Jewish vote went for Barack Obama, 25 points higher than what he scored among the electorate as a whole (53 percent), 35 points higher than what he scored among white voters (43 percent), 33 points higher than what he scored among Protestant voters (45 percent), 24 points higher than what he scored among Catholic voters (54 percent), and even 11 points higher than what he scored among Hispanic voters (67 percent); only African-Americans voted for Obama as a group in larger numbers than Jews (95 percent).

[82]. Daniel Levy, “Israel Must Now Heal Itself,” Guardian (18 September 2009).

[83]. Roane Carey, “The Goldstone Report on Gaza,” Nation blog (“The Notion”) (25 September 2009; http://tinyurl.com/ybdwd4m). An occasional word critical of Israel and supportive of Goldstone could however be found; see, e.g., James Carroll, “A Time of Reckoning,” Boston Globe (21 September 2009). (Although not Jewish himself Carroll often writes on Jewish themes from a philo-Semitic perspective.)

[84]. Benn, “In Wake of U.N. Gaza Probe.”

[85]. Amos Harel, “IDF vs. Goldstone: PR ‘commando’ explains war against Hamas to Americans,” Haaretz (13 November 2009).

[86]. Antony Lerman, “Judge Goldstone and the Pollution of Argument,” Guardian (15 September 2009).

[87]. Among others, left-wing Israeli lawyers Felicia Langer and Lea Tsemel and Hebrew University chemistry professor Israel Shahak.

[88]. Amnesty International, Combating Torture (London: 2003), section 2.2. Benny Morris, Righteous Victims: A history of the Zionist-Arab conflict, 1881–2001 (New York: 2001), pp. 341–43, 568, 587, 600–1; Tom Segev, 1967: Israel, the war, and the year that transformed the Middle East (New York: 2007), pp. 475, 517.

[89]. In its 1979 "Report and Recommendations... to the Government of the State of Israel" (London: September 1980) Amnesty merely stated that "there is sufficient prima facie evidence of ill-treatment of security suspects in the Occupied Territories... to warrant the establishment of a public inquiry," while in its influential study Torture in the Eighties (London: 1984), Amnesty cautiously signaled having "continued to receive reports of ill-treatment" in Israeli prisons of "some Palestinians from the Occupied Territories arrested for security reasons" (pp. 233–34).

[90]. Norman G. Finkelstein, Beyond Chutzpah: On the misuse of anti-Semitism and the abuse of history (Berkeley: 2005; expanded paperback edition, 2008), pp. 144ff.

[91]. Barbara Plett, "Legal Row over Gaza Report Intensifies," BBC News (6 November 2009).

[92]. Gerald Steinberg, "Isolating Israel through Language of Human Rights," Jerusalem Post (30 August 2009); Shavit, "Watch Out for the Goldstoners."

[93]. Chris McGreal, "Israel 'Personally Attacking Human Rights Group' after Gaza War Criticism," Guardian (13 November 2009).

[94]. Adam Horowitz and Philip Weiss, "Israel vs. Human Rights," Nation (30 September 2009).

[95]. "NGO Monitor's International Advisory Board Call for Review of HRW," ngo-monitor.org (14 October 2009; http://tinyurl.com/yj7e32m); "Wiesel, Dershowitz: Human Rights Watch Reform Needed," ynetnews

.com (29 September 2009; http://tinyurl.com/yj4geht); NGO Monitor, Experts or Ideologues? A systematic analysis of Human Rights Watch's focus on Israel (Jerusalem: September 2009).

[96]. McGreal, "Israel 'Personally Attacking.'" For the targeting of Israelibased human rights organizations, see NGO Monitor/Institute for Zionist Strategies, Trojan Horse: The impact of European government funding for Israeli NGOs (Jerusalem: November 2009).

[97]. Robert L. Bernstein, "Rights Watchdog, Lost in the Mideast," New York Times (20 October 2009). For Human Rights Watch's reply, see Kenneth Roth, "Human Rights Watch Applies Same Standards to Israel, Hamas," Haaretz (27 October 2009); see also Scott MacLeod, "Bashing Human Rights Watch," Los Angeles Times (30 October 2009). For Kemp, see Chapter 4.

[98]. Mahatma Gandhi, The Essential Writings, edited and with an introduction and notes by Judith M. Brown (Oxford: 2008), p. 349.

[99]. "Speech at Delhi Provincial Political Conference" (2 July 1947), Collected Works of Mahatma Gandhi, v. 88, p. 263.

Appendix

[1]. "Hamas Letter to Obama," Institute for Public Accuracy (8 June 2009; www.commondreams.org/newswire/2009/06/08-2).

OceanofPDF.com